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International Court of Justice

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Official Transcript of the International Military Tribunal in the Matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 25 June 1946, 1000-1700, Lord Justice Lawrence prsiding.

DR. NELTE (Counsel for defendant Keitel): Mr. President, I should like to advise the High Tribunal that the manuscript of my pledoyer (final argument) will be ready tomorrow, that is, the first half; the second half will be ready by Saturday. That will be ready in typewritten form. I am sorry to say that I can furnish only eight copies, six of which are earmarked for the interpreters to facilitate their difficult task. I am very sorry that I am not able to furnish more than eight copies, since I personally have no multigraph machine.

I hope the High Tribunal will appreciate the fact, after the statement made by the Chief Prosecutor for the United States on Friday, if I do not request the help of the prosecution and their facilities.

Therefore, I am asking the High Tribunal to decide whether it would be valuable, in order to facilitate my presentation, to have a translation of my speech put before them, in which case I would request that the High Tribunal make the necessary arrangements. I am quite ready to place my manuscript at the disposal of the High Tribunal, under the conditions published by you, Mr. President, as far as I personally am concerned. I am advised that the same would apply to the majority of the defense counsel.

In order to facilitate and expedite the proceedings, and in order to reduce the time spent on the presentation of our final argument, it seems important to me to have this point clarified and decided on by the High Tribunal.

THE PRESIDENT: Dr. Nelte, if you would hand in the manuscript to which you have referred, the Tribunal will make arrangements to have it translated into the various languages. I think that will meet the position so far as you are concerned.

DR. NELTE: Yes.

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THE PRESIDENT: The Tribunal has an announcement upon the subject, which I am about to read. The announcement is this:

In view of the discussion which took place on the 13th of June, 1946, on the question of time to be taken by defense counsel, the Tribunal has given the matter further consideration.

When the defense counsel stated the time they wished to take, the Tribunal observed that some of the defendants required more time than others, and to this extent they did make an apportionment among themselves. The Tribunal feels that the suggested times are much too long and some voluntary restriction should be made.

Except as to a few of the defendants whose cases are of very wide scope, the Tribunal is of the opinion that one-half a day to each defendant is ample time for the presentation of his defense, and the Tribunal hopes that counsel will condense their arguments and limit themselves voluntarily to this time. The Tribunal, however, will not permit counsel for any defendant to deal with irrelevant matters or to speak for more than one day in any case. Four hours will be allowed at the beginning for argument on the general questions of law and fact, and counsel should cooperate in their arguments in such a way as to avoid needless repetition.

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I am told that one part of the announcement that I was making came through in an incorrect shape on some of the translations; so I will read it again.

"Except as to a few of the defendants whose cases are of very wide scope, the Tribunal is of the opinion that one-half a day to each defendant is ample time for the presentation of his defense; and the Tribunal hopes that counsel will condense their arguments and limit themselves voluntarily to this time. The Tribunal, however, will not permit counsel for any defendant to deal with irrelevant matters or to speak more than one day in any case. Four hours will be allowed at the beginning for argument on the general questions of law and fact, and counsel should cooperate in their arguments in such a way as to avoid needless repetition."

As heretofore stated, the Tribunal would like to have a translation of each argument in French, Russian and English submitted at the beginning of the argument. Counsel may arrange for the translation themselves if they so desire, but if they will submit copies of their arguments to the Translating Department, as soon as possible, and not less than three days in advance of delivery, the translation will be made for them, and the contents of the copies will not be disclosed.

That is all.

Yes, Dr. Luedinghausen.

CONSTANTIN von NEURATH - Resumed.
DIRECT EXAMINATION - Continued.

BY DR. VON LEUDINGHAUSEN:

Q. Last night we had stopped in our treatment concerning ourselves with the various points raised by the prosecution. I should like to continue now and to put the various questions to you, Mr. von Neurath.

The Prosecution is charging you with the fact, and accusing you of the fact, that the Germans in the protectorate had a preferential position as compared with the Czechs in the protectorate, and that you were responsible for according them

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such preferential treatment. Will you please comment on this?

A. The position of Germans in the protectorate was not a position of preference connected in any way with any real advantages as compared with the Czechs, but rather it was an entirely different position. The Germans were citizens of the Reich, and therefore, had the rights of the Reich citizens, such as the right to vote in Reichstag elections.

The Czechs, however, did not have this right to vote, something which is quite understandable in view of the existing difference between the German people and the Czech people. Efforts to receive preferential treatment, of course, did take place in chauvenistic and nationalist circles.

But I always fought these tendencies very, very strongly and intensely, and I prevented any practical realization of such efforts. In this connection, however, I should like to repeat once more that I did not consider the Czech people inferior to the German people in any manner or in any way at all. We were concerned with a different kind of people which politically and culturally had to be treated according to its own characteristics.

That was the reason for the maintenance of the so-called autonomy, which meant nothing more than the separation of the two nationalities with a view toward their own life, or a separate life, for the Czechs, and the fact that this autonomy had to be kept within certain limits, and especially in time of war. That is something which is quite true.

Q. Not, I should like to deal with the various points as raised by the Czech indictment, or rather the points found in the Czech report, which is the basis for this prosecution and indictment. In this report it is asserted that the freedom of the press was suppressed by your authority. Is that correct? And if this case does apply, what role did Mr. von Gregory play in the treatment of the press?

A. Mr. von Gregory was the press attache at the German Embassy in Prague. He was subordinate to the Propaganda Ministry. Then he became chief of my press department, and was under my

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authority. He limited the Czech press according to the directives given out by the Propaganda Ministry in Berlin. The Czech press, of course, was not free. It was not free any more than the German press was free. Circulation, methods of control, and other measures, especially measures applying to censorship, were the same for the German and the Czech press.

Q. The Czech indictment report further accuses you with the fact that the local Czech administrative authorities were in many cases dissolved, and then in part these offices were replaced by Germans or Czech collaborators. Is that correct?

A. The fact that in the localities such as Moravia there was a German minority and that they were represented on the county basis to me seems to be a matter of course. Prague, for instance, had a Czech mayor and a German assistant mayor, and that does not seem to be to be objectionable in any way. As far as activity of some of the Germans in the various localities is concerned, and being active in the local administration to the point where the participation assumed such proportions as did not seem justified by the number of Germans living there, I tried to use my influence, and fought this problem.

In the localities of purely Czech citizens, such as in West Bohemia, in general there were no German representatives active at all. But on the other hand, there were large areas such as the region of Iglau where the Germans, because of their number, and therefore of course, influence as well, were dominant.

Q. The Czech Prosecution report accuses you with the fact that in this way and through the appointing of the Oberlandraete you had germanized the Czech population, and this report bases its accusations on an alleged statement which you supposedly made to the former Czech President, Mr. Benert, in which you said that has to be digested over a period of two years.

A. I do not recall ever having made a statement like that, and I cannot quite see that I would have made any statement like that. In this point we are concerned with the coordination of the Czechs with the German administration. The Oberlandraete were not

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appointed by me, but they were used as a controlling level set up by the Reich Government, and they were instituted by virtue of the decree of the 1st of September 1939, in line with the setting up of German administration and the security police.

As far as the Oberlandracte were concerned, when they appeared before me to give their reports, I told them again and agin, and tried to inculcate them with the idea, that they were not to administer personally, but they were there for controlling purposes and supervisory purposes.

The Czech method of administration in many cases was superior to the German method, I told them.

DR. VON LUEDINGHAUSEN: In this case I should like to refer to a document, No. 149 of my document book, a regulation which concerns itself with the building up of German administration and the Security Police under the date of the 1st of September 1939. I should like to point out especially Paragraphs 5 and 6, which deal with the appointment and the duties of the Oberlandracte. I do not believe that I need to quote from this document.

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By Dr.von Luedinghausen:

Q. The Czech prosecution report further contains a statement deposed by Mr. Bienert to the effect, for the coordination of the Czech administration system, you stated to him to the effect that this coordination would have to be very strin ntly carried through for after all, it was war and at the same time Bienert set down in his interrogation that the purpose of this measure, that is, of coordination of Czech and German administration, that the purpose of this coordination had been to assure Germany a quiet and peaceful Hinterland. Will you please define your position and comment on this.

A: It is quite possible th t I told Bienert something to this effect; However, today I can't remember it but it can be taken for granted that in the sphere of administration as well as in every other sphere, even in the Protectorate, that the necessities of war were the main concerns and that restrictions had to be made. There had to be a restriction of autonomy in local administration and they have to be considered along this line and in this light. I always tried to keep the country quiet and peaceful in the interests of the Reich and in the interests of the country itself. That is something which you cannot throw up to me and hold against me and apart from that, I should like to remark that the introduction of restrictions of autonomy is contained in the decree about the governing of the Protectorate and were set down.

Q: In this connection, I should like to refer to the matters contained in my document book unter No.144, document No.5. The decree issued by the Fuehrer and Reichschancellor is contained in this document, a decree which deals with the Protectorate of Bohemia and Moravia, dated the 16 th of March 1939. In this document, under Article 11, law and order are set down and that the right is reserved that the Reich could incorporate the branch Administrative offices into their own. The Czech prosecution further refers to a statement made by the former Czech Minister Havelka, dealing with the persecution of the members of the Czech Legionnaires of the first World War in so far as they occupied public offices. What can you tell us about the question of these Legionnaires.

A. The Czech Legion during the time of the first World War had been founded in Russia. It was composed partially of volunteers and partially from the balance of the Czech regiments which had belonged to the old Austrio-Hungarian Army and which had been made prisoners of war in Russia. These Czech Legionnaires enjoyed, after the founding of the Czech Republic, a certain special and favored position. In part, they were imbued with chauvinistic resentment toward the Reich which dated back to the time of the national fighting era and in this way, the so-called Legionnaire mentality in Bohemia was a slogan and in times of political unrest could work itself out to be a danger to policy. This favored position which the Legionnaires enjoyed were fought against extensively in the Protectorate and by that, I mean this favorite position was fought against by the Czechs themselves; therefore, particularly, Frank tried to remove the Legionnaires from public office -- only in the most glaring cases, however, did this take place and it took place only in so far as these Legionnaires had become volunteer members of the Czech Legion; that is it did not apply to those of the former Austrio-Hungarian Army. From the beginning, I tried to keep this difference and it still applies, and the distinction which was made in Germany between the voluntary SS and the Waffen SS today.

Q. The Czech prosecution is further accusing you of the fact of the support of theCzech Fascist organization Vlayka. The Czech prosecution in this case is referring to a memorandum and is basing the accusation on a memorandum which you yourself made, dealing with a discussion which you had with President Hacha of Czechoslovakia on the 26th of March 1940. According to this memorandum you told Hacha that the personal and moral qualities of the Vlayka leaders were well known to you but in any event, you had found and would have to say that this movement and this organization was the only one which had taken a positive stand toward the Reich and for collaboration with the Reich. Will you comment on this?

A. The Vlayka movement was the same as the collaborationists in France. This movement worked to bring about a German-Czech collaboration, and working together, and they made their efforts and tried to bring this about long befor

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the Protectorate was actually established. The leaders of this movement, in my opinion, were rather dubious characters and personages, something which I showed in the words I used to Hacha. These leaders threatened and reproache President Hacha and members of the Czech Government as well. State Secretary Frank had known these men from previous days and wanted to support these people in consideration of cooperation with him; however, I fought and rejected this as well as I declined and refused to receive these people when the applied to be received by me. On the other hand, it is possible that Frank supported them from a special fund which Hitler placed at his disposal quite without my knowledge and obligated Frank not to tell me anything about it.

Q. What attitude did you take to the dissolution of the parties, political parties and of the trade unions?

A. As well as the controls exercised over the press, those were matters of necessity which resulted from the system, resulted from the political system of the Reich. In any event, through this step taken by President Hacha and dispite the measures taken by Germany, no country suffered so much from the sufferings and misery of war as the Protectorate. The Czech people were the only ones in the Middle and East Europe which could retain its national and cultural unity almost in toto.

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Q Now I should like to turn to the point raised by the prosecution which alleges so-called cultural suppression. What can you tell us about the handling of Czech education?

A The Czech universities and other institutions of higher learning, as I have already mentioned, were closed at Hitler's direct order in November, 193[illegible] Again and again, at the request of President Hacha and of the Czech government, I tried to intervene with Hitler direct to have these schools reopened. However, because of the dominating position occupied by Mr. Himmler, I was unsuccessful. The consequence of the closing of the universities, of course, was that a large number of young people who would otherwise have engaged in studies now had to look for employment. The closing of the universities and institutions of higher learning also brought about repercussions on intermediate schooling. After the separation of the Sudetenland in the autumn of 1938, there had been special problems for the entire Czech intelligentsia from this region who had returned to the Protectorate, or what was later to become the Protectorate. For the young people from the intermediate schools there was hardly any work or anything to occupy their time. It was about the same situation which is now appearing in Germany. Concerning the closing of German public schools and other planned efforts by the Czech youth to have their education restricted and limited, I know nothing of anything like that.

Q Did you yourself approve and endorse the closing of universities and institutions of higher learning as ordered by Hitler?

THE PRESIDENT: Dr. von Luedinghausen, he said that he tried to intervene and get rid of Hitler's order.

DR. VON LUEDINGHAUSEN: If that is sufficient to the High Tribunal, then perhaps the Defendant need not answer my question.

THE PRESIDENT: Don't you think that is sufficient?

DR. VON LUEDINGHAUSEN: Yes, Mr. President. I just wanted to intensify the problem a little bit more. However, if the High Tribunal is sufficiently satisfied with that, in order to delineate his ---

THE PRESIDENT: Do you think it would be any better if it was said twice?

DR. VON LUEDINGHAUSEN: I just meant it as a supplement, Mr. President

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but I am quite satisfied.

BY DR. VON LUDINGHAUSEN:

Q Do you know anything about a so-called plan, which is mentioned in the Czech report, to turn the people into a mass of workers and to rob them of their spiritual elite?

A No. Only a crazy person could have made a statement like that.

Q The Czech's indicating report asserts that through your agencies, that is under your approval and endorsement, there was plundering of Czech scientific institutions. On Page 58 of the German text, Page 55 of the English text of this report, USSR 60, he says: "The Germans occupied all universities and scientific institutions. They immediately acquired all valuable apparatus and scientific installations in the institutions which were occupied. Scientific libraries were plundered systematically and methodically; scientific books and films were torn up or transported off; the archives of the academic Senate of the highest university authorities were torn up or burned; the card files were destroyed and scattered to the four winds." What can you tell us in this connection?

A In this connection, I can only say that we can never speak of plunderi and destruction. I never heard of any plundering like that either in Prague or anywhere else. The Czech's universities and institutions of higher learning were closed in the year 1939 on an order from Hitler. The buildings and installations of the Prague Czech University, as far as I know, were in part put at the disposal of German universities which were closed by the Czechs, since after the Czech universities were closed they could not be used any longer for Czech scientific purposes.

Q Do you know anything at all about the fact --

THE PRESIDENT: I didn't understand that answer. As I got it, "The buildings, in part, were put at the disposal of German universities which had been closed by the Czechs."

THE WITNESS: In Prague there was the oldest German university. It had been closed by the Czechs after the First World War, and after the establishing of the Protectorate it had been reopened and, so far as I know, son of the equipment and buildings were used by this German university.

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THE PRESIDENT: Go on.

BY DR. VON LUEDINGHAUSEN:

Q Do you know anything also about the taking of scientific equipment, collections, and so forth?

A The only case about which I had any knowledge dealt with the removal of historically valuable Goublin of the Maltese Palais in Prague. These valuable objects were removed by a member of the Foreign Office in Berlin, the chief secretary, and were transported off. This was done during the night, secretly, and without my knowledge or the knowledge of my office. As soon as I learned of this I tried, with the Foreign Office, to have this material restored immediately. Whether this material was actually restored I do not know. That was in the year '41, and in the meantime I had left Prague. I know nothing about other incidents of this kind. Apart from that, there was a special prohibition dealing with the transporting of art objects to the Reich, and in this prohibition I dealt with art objects.

DR. VON LUEDINGHAUSEN: In this connection, I should like to submit an extract from the interrogation of the former Under Secretary of State, Frank, dated the 10th of June, 1945. This is No. 154 of my Document Book No. 5, and I should like to ask the High Tribunal to take judicial notice of this document and of this interrogation.

BY DR. VON LUEDINGHAUSEN:

Q What happened to the objects of art and furniture, which was public property, in the Czernin Palais in Prague which you used as your official residence?

A This flat wasthe former official residence of the Czech Foreign Minister, and the valuable objects of art and pieces of furniture belonged to the Czech state. Since there was no inventory of any sort of these valuables, before moving in, in the fall of 1939, and calling in the Czech supervisor and Czech art historian, Professor Strecki, I had a very exact inventory taken. One copy of this inventory was left in my office and another one was deposited with the administration. After I left Prague, in the autumn of '41, through my former caretaker and again in the presence of a representative of the Czechs, I had a record made that the articles which were mentioned in the inventory

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were actually there.

THE PRESIDENT: I don't think we need details of the inventory, but there is one thing I should like to ask. The translation came through to me that the inventory was made in the fall of 1938. Was that right?

THE WITNESS: 1939. I wanted to mention only that naturally I did not take any of these articles.

BY DR. VON LULDINGHAUSEN:

Q Another point raised by the Czech prosecution deals with the confiscation of the so-called Masaryk houses in various cities and with the destruction of Masaryk monuments and monuments erected to other personalities famous in Czech history. What do you know about that?

A During my official period of activity, some of these Masaryk houses were closed by the police because they were centers of agitation against Germany. The destruction or the removal of Masaryk or other national monuments, that is one thing which I had specifically prohibited. Aside from that, the putting down of wreaths at the grave of Masaryk at Lanyi, a step which Frank had prohibited, that was something which I expressly permitted and something which actually did take place. Many wreaths were laid down there.

Q It is further asserted by the Prosecution that Czech literature was suppressed and muzzled in an extensive way.

A The printing and dissemination of Czech anti-German literature was something which, of course, was prohibited. Something else which was prohibited was the dissemination of English and French works. That was something which wasprohibited in the entire Reich during the war.

All of this treatment was undertaken at the direct orders of the Propaganda Ministry. All steps were taken under their direction. However, during my period of activity, there were many Czech book stores and book publishing concerns who, before and after, published books and disseminated them, works of Czech authors. The selection of Czech books of every type in book stores was essentially larger than the selection of German books to be had.

Q Could you speak of the suppression of Czech cultural life, such things as theaters, movies and so forth that are mentioned by the Prosecution. Was there any talk of that?

A In reference to the limitation of a cultural autonomy of the Czechs, aside from the university question there was no question of it at all. In practice, there were a large numberof Czech plays in Prague, playing all the time, especially the pure Czech opera, and many legitimate theaters were operating constantly. However, there was only one permanent German theater which was active. There was constant production of many Czech plays and opera, and the same thing applies to music. The well known Czech Philharmonic Orchestra at Prague played Czech music.

THE PRESIDENT: We don't need details. The defendant says that theaters and cinema theaters were allowed and there was only one German theater. We don't want any further details about it.

DR. VON LUEDINGHAUSEN: Very well, Mr. President. I only asked about these matters because they are rather extensively dealt with in the indictment.

BY DR. VON LUEDINGHAUSEN:

Q And how about the film industry, Mr. von Neurath?

A The same thing applied to the movie industry. It was quite active

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Q Now, I should like to turn to the so-called suppression of religious freedom, a step of which you are accused by the Czech Prosecution. The Czech Prosecution report mentions a wave of persecution which innundated the churches, which started immediately when the German troops marched into occupy the country.

Will you please comment on that?

A There was no planned persecution of the churches, and that is something which is quite out of the question. The population was quite free in carrying through their religion, and I certainly would not have tolerated any restrictions along that line.

The former State Secretary von Burgsdorff has testified to that point here already. In some specific cases, certain religious processions were prohibited by the police, and that may be true even though I personally do not remember anything like that. But that only took place because certain pilgrimages, consisting of many thousands of members, were exploited as political demonstrations and used for that purpose, and on those occasions anti-German speeches were made. As I learned, several instances of that kind did actually take place.

It is true that a series of clerics were arrested at the action at the beginning of the war which we have already mentioned here. These arrests did not take place because there were clerics involved, but because they were active political opponents or people who were politically suspected. In cases of this nature, I was especially interested in having these people released.

My personal connections to the Prague Archbishop were correct and amicable. The Archbishop, Archbishop von Olmitz, specifically thanked me for my intervention on behalf of the Church, and this is a point that I distinctly remember.

I prevented any measure which would have prevented the Jews from practicing their religion. Up until the time I left in the autumn of 1941, every synagogue was open.

Q In connection with the last point, I should like to put one more question about the position of Jews in the Protectorate. What can you tell us about the position of Jews there?

A The legal position of the Jews had to be coordinated with the position of the Jews in the Reich, on instructions from Berlin. The directions along thisline had been sent to me already in April of 1939. Through all sorts of inquiries addressed to Berlin, Itried and succeeded in not having the laws go into effect until June of 1939, and I did that so that in that way I could give the Jews the opportunity of preparing themselves for the imminent introduction and establishment of these laws.

The so-called Nurnberg Laws were introduced into the Protectorate. In this way, the Jews were removed from public life and kept from holding leading positions in the economic life. However, arrests on a large scale did not take place. There were no excesses, except in very few single instances. The camp at Theresienstadt was not erected until long after my time of office, and the erection of concentration camps in the Protectorate was something that I prevented.

Q The Czech Prosecution is accusing you of carrying through measures opposed to the Jews. They are accusing you personally with the fact that first of all, you charged the autonomous Czech Government with the carrying through of the anti-Jewish laws, and that when Minister President Elias refused to do that, you personally took steps.

A As I have already said, the introduction of the laws concerning Jews came about at Hitler's direct order, and through the competent authorities in Berlin.

THE PRESIDENT: Dr. von Luedinghausen, why do you want to go over all this again? The defendant has given the evidence that he succeeded in putting off the laws until June 1939, and that then the Nurnberg laws were introduced. He has given us the various qualifications which he says he made, and then you read him the Czech report and try to get him to go over it all again, it seems to me. It is now 11:45.

DR. VON LUEDINGHAUSEN: All right, then, I shall desist from asking any further questions and consider the first answer sufficient, and we shall not deal with the matter of confiscation either.

BY DR. VON LUEDINGHAUSEN:

Q The Czech Prosecution is further accusing you of the dissolution of the organizations of the YMCA and YWCA, and the confiscation of the property in favor of German organizations.

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A I must admit that I do not recall these confiscations at all. If this confiscationand dissolution took place before I left, it must have been a police measure that was involved.

Q The Czech Prosecution furthermentions the destruction of Czech economic life, and the systematic plundering of Czech raw material supplies, and accuses you in that regard. Will you please deal with that matter.

A With the establishment of the Protectorate, the Czech economy almost automatically was incorporated into the total German economy. Export, for which Czech industries had worked to a considerable degree, was done away with because of the war, and that meant that export transformed itself into export to the Reich.

The Czech heavy industries, specifically the Skoda Works and the Bruenner munitions industry, were taken ad direct war industries through the Plenipotentiary of the Four Year Plan, and they were incorporated into German armament.

At the beginning I especially tried to avoid the selling out of the Protectorate, which would have been hard on the population. An effective means for thatwas the maintaining of the tariff boundaries and customs boundaries which existed between Czechoslovakia and Germany. After heated conflicts with the Berlin Economy Department, I succeeded in having the customs and tariff barrier, which was rescinded on the 16th of March, 1939, maintained up until October, 1940, for another year and a half.

I believe I am also accused of the fact that I was responsible for the transporting off of raw materials and matters of that kind, and in that connection I should like to say that the office of the Plenipotentiary of the Four Year Plan wasthe only decisive office.

DR. VON LUEDINGHAUSEN: In this connection, I should like to refer to the decree which has already been submitted, the decree dated the 16th of March, 1939, No. 144 of my Document Book No. 5. In this decree, I should like to call special attention to Article 9.

BY DR. VON LUEDINGHAUSEN:

Q You are further charged with the fact that the currecny ratio from kronen to marks wasten to one, for in this way the Czechoslovakian state could have been brought up. Are you responsible for the establishing of this ratio?

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A No. In this decree of the 16th of March, 1939, which dealt with the general set-up in theProtectora --a decree in whose drafting or setting up I was in no way active--it is s t down that the currency rates would be determined by the Reich Government. As far as I know, the same ratio and rate applied before the incorporati of the Sudetenland into the Reich as well as afterwards. This rate was the customary one at the stock exchange, and an official rate had to be determined, of course. This decree which I have mentioned established that r e, and it was done by the authorities in Berlin.

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Q In this connection I should also like to refer to the decree which was just mentioned, dated 16 March, 1939, which is found under figure 144 of my document book number 5. I should like to call your attention especially to Article 10 which sets forth the ratio as applying to currency in Czechoslovakia and German currency. That is a matter which, it states, will be determined by the Reich Government.

The Czech report further accuses you of the fact that allegedly railroad ties were taken to the German Reich after the gages had been set right. Do you know anything about this matter?

A I know nothing about this matter and it is something that I consider a mistake. I know only that in the year 1940, between the German Reich Bank and the Czech railroads there were negotiations about the exchange for purposes of borrowing and on remuneration, that there were negotiations to have rolling stock exchanged but the stipulation and the condition in this case would be that this would be rolling stock which could be dispensed with in the protectorate things that were not needed in the protectorate.

However, these matters were not in my jurisdiction in the protectorate but these orders were subordinate to the Traffic and Communication Ministry in Berlin.

Q I should like to refer to Article 8 of the decree which I have just mentioned, a decree which is found under 144 of my document book 5. It is further asserted that the Reich Commissar at the Prague National Bank got payment abroad and confiscated foreign currency and gold.

Did you have anything to do with this matter?

A I had nothing at all to do with these matters. The Reich had a considerable interest in getting a firm foothold in the economic life of the protectorate. However, this was something which applied long before the establishment of the protectorate. Therefore, it was not strange that the large German banks used the opportunity to acquire Czech stocks and securities and in this way the controlling interest in two Czech banks together with their industrial holdings were transferred to German hands in a manner which was quite correct economically.

I believe the Union Bank is mentioned in the Czech report, a bank which was

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taken over by the Deutche Bank and I know in this case quite coincidentally that the initiative did not originate with the Deutche Bank, the German Bank, but rather from the Union Bank, the Czech Bank.

Neither I nor my agencies tried to foster this development in any way and apart from that, these enterprises had mostly Czech directors and in very few cases were there German officials incorporated and the largest part of most businesses before and after remained Czech.

Q How about the so-called coercive measures used against Czech agriculture? Can you tell us about this? Tell us about your attitude, about the measures you took.

A This chapter belongs to the pattern of plans of the party and SS with the purpose of Germanizing -- something which we have already mentioned. The instrument of this German settlement policy was to be centered in the Czech Soil Office (Bodenamt), which was a Czech office and which dated back to the time of the Czech agrarian reform period. The Soil Office (Bodenamt) first of all was assigned SS Fuehrer by Himmler.

THE PRESIDENT: The Tribunal does not want to know all the details about this. The Czech report apparently alleges coercion in agriculture. The defendant says it was due, if any, to the party and the SS and he had nothing to do with it.

What is the object of his giving us all these details about the history of agriculture in Czechoslovakia? You must realize the Tribunal --

DR. VON LUEDINGHAUSEN: Mr. President, I just wanted to deal with the Bodenamt which became, after many fights, active in a National Socialist way and many new officials were put in. It was my purpost to stress that point.

Mr. President, I should like to remark on one thing. I mentioned yesterday that my examination in chief would perhaps last another hour but yesterday, when I left the session, I found another document book to the Indictment which forced me to deal with some additional questions and for this reason, a reason which I could not predict, I will have to take additional time.

THE PRESIDENT: The Tribunal hasnot taken up the question of time at the moment.

Why do you have to go into -- I do not know what the word is at the

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moment "amt" -- agriculture? He said he had nothing to do with it.

DR. VON LUEDINGHAUSEN: Yes, in a way he was connected with it, Mr. President, in this way, insofar as the agricultural interests --

THE PRESIDENT: If he was connected with it let him explain it. I thought he said the party and the SS had done it.

DR. VON LUEDINGHAUSEN: Through and via the Soil Office (Bodenamt) and he tried to prevent this.

BY DR. VONLUEDINGHAUSEN:

Q Perhaps you can tell us briefly about this Mr. von Neurath.

A I believe, according to the statement of the President, it is almost superfluous to make any further statement. I had no connection with the Bodenamt. I only prevailed and made my influence felt so that a rather unpleasant man who belonged to the SS was removed.

Q During your time as Reich Protector was there any forced or compulsory transportation of labor to the Reich?

A No. In this connection I shall try to be brief also.

Compulsory labor did not exist while I was in the protectorate. There was an emergency service order which was given out by the protectorate government. This applied to younger men, men who had to work in the protectorate to do the necessary labor. But the enforced and compulsory sending off of workers into the

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Reich, that was something which did not take place during my time. But many young people volunteered to work in Germany for labor conditions and wages were better in the Reich at that time than in the protectorate.

Q And this is my last question.

How about your resigning from office, your leaving the Reich protectorate office, how did that come about?

A First of all I should like to say and tell you why I remained as long as I did. Despite all the things that took place and despite all the difficulties, the reason for my remaining as long as I did was that I was convinced and I am convinced of this today, I was convinced of the fact that I had to stay as long as I could reconcile with my conscience the fact that by remaining I could prevent that this country, which was entrusted to Germany, would be prevented from being turned over to the dominance and rule of the SS. Everything which took place after my departure in '41, the many things that happened to the country, I prevented all of this through my presence there and even if my activities were limited and my sphere of influence was limited I believe the fact that I remained I thus served not only my own people and my own country but the Czech people as well and even today, under the same circumstances, I would not act any differently.

Apart from this I believed and especially in time of war that I should leave such a tremendously difficult and tremendously important office only in the case of last resort. The crew of a ship does not go below deck and twiddle its thumbs while the ship is in danger.

That I could not comply with the wishes of the Czech people one hundred per cent, that everyone will have to understand and appreciate, anyone who at one time or another had been forced to be active politically and not only in theory. I believe because of my remaining and through my perseverance in office I prevented much suffering and much misery, misery and suffering which descended on the Czech people after I left. This opinion

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of mine was shared by many circles of the Czech population as I could gather from the many, many letters which were addressed to me from the Czech people.

Q And how did it come about that you laid down your office?

A On the 23 September, 1941, I received a telephone call from Hitler asking me to come to headquarters immediately. There he told me that I was being too mild and lenient with the Czechs and that this state of affairs could not continue. He told me that he had decided to introduce rather sharp measures against the Czech resistance movement and for this purpose the notorious Obergruppenfuehrer Heydrich would be sent to Prague. I tried very energetically to dissuade him from this. However, I was not successful. Thereupon I asked for my resignation, since I told him I could never be responsible for any activity of Heydrich's in Prague. Hitler refused my resignation, he turned it down. However, he did grant me one thing, that I could go on leave. I flew to Prague and on the following day I continued on my journey to my home. At the same hour that I left Prague Heydrich arrived.

I then, from my home, wrote to Hitler and again asked for my immediate resignation. In spite of the fact that I did not receive any answer I again put in another request and explained at the same time that under no circumstances would I return to Prague; that I had dissolved my office and I refused to act in the future and from now on as Reich Protector. Only in October 1943 was I relieved of my office.

DR. VON LUEDINGHAUSEN: Mr. President, I should like to conclude my examination in chief with a brief quotation from the Czech indictment.

THE PRESIDENT: Your going on leave, was that made public?

THE WITNESS: Yes.

DR. VON LUEDINGHAUSEN: Yes, I was just going to quote that, Mr. President.

In the text of the Czech Indictment it says:

"And including the second half of [illegible]

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Czech revolt committees, with the help of BBC, have executed a successful boycott against the German press. The German authorities seized the opportunity to aim a tremendous blow at the German population. On the 27th of September, 1941, radio station Prague gave out the following report:

'Reich Minister Baron von Neurath, Reich Protector of Bohemia and Moravia has found it necessary to ask the Fuehrer for a long leave in order to restore his impaired health.'"

Then in conclusion it says:

"Under these circumstances the Fuehrer agreed with the request of the Reich Protector and charged Obergruppenfuehrer Heydrich with the leadership of the office of Reich P rotector of Bohemia and Moravia during the time of the illness of Mr. von Neurath."

Mr. President, in this way I should like to conclude my examination in chief of the defendant.

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THE PRESIDENT : From September 1941 until October 1943, did you live on your own estates, or what?

THE WITNESS: Yes, Mr. President.

DR. VON LEUDINGHAUSEN: Mr. President, I have concluded my examination in chief.

THE PRESIDENT: The Court will adjourn now.

(A recess was taken.)

THE PRESIDENT: Do any of the defendants' Counsel wish to ask any questions?

BY DR. KUBUSCHOK (Counsel for defendant vonPapen):

Q Is it known to you that immediately after Germany left the League of Nations, Von Papen followed Hitler to Munich to persuade him to remain in the League of Nations?

A Yes, that is known to me. In fact, I was the cause of his doing so.

Q Did von Papen during the time he was Vice Chancellor in 1933 and 1934 talk against unfriendly acts in the cabinet, in respect to German policy towards Austria, as for instance, the introduction of the 1,000 mark frontier bar? Did he object to it?

A Yes, he and other ministers, and, of course, I myself continuously pursued that line.

Q Did Hitler talk to you about this, and did he talk about the fact that Papen's attitude in the Austrian problem was one of the causes for Hitler's giving him the mission in Vienna after the murder of Dollfuss?

A Yes, Hitler did speak about this.

Q Did Hitler discuss with you the reasons for which he addressed the letter of 26th April 1934 to Papen in which he announced the fact that Papen would be sent to Austria?

A Yes, but the way it happened was as follows: When Hitler told me about his intention to send Papen to Vienna, I reminded him that to make it possible for Him to exert any influence, he should first of all, after the events of 30 June, clear up the relationship between himself--Hitler--and Papen, and clear it up publicly. That, I think, was the cause of the letter which has been read out in this Court.

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Q In 1937 you paid a visit to the Austrian government, during which there were demonstrations. Were you and von Papen surprised by those demonstrations, and were they in the sense in which you felt?

A The demonstrations were completely surprising, especially because of their tremendous size. They certainly did not please me, because they case a shadow on my discussions with Schuschnigg.

Q Then, the last question: Before Schleicher's government was formed there was on 2 December 1932 a meeting of the cabinet. The day before Papen had been given orders by Hindenburg to send the Parliament on leave and to form a new government. Is it correct that Papen referred this matter to the Cabinet and that Schleicher, as Minister for the Armed Forces, made a statement to the effect that this would lead to civil war and that the armed forces were too weak to prevent such a civil war?

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A Yes, I remember very accurately how these things happened. We were all somewhat surprised about Schleicher's statement. However, it was so well founded, or so well reasoned about, that one had to assume itas being correct.

DR. KUBUSCHOK: Thank you. I have no further questions.

THE PRESIDENT: Do any other defendant's counsel wish to ask questions?

(No response)

The prosecution?

CROSS-EXAMINATION

BY SIR DAVID MAXWELL FYFE:

Q At the time about which Dr. Kubuschok has just been asking you, in the second half of 1932, did you know that President von Hindenburg, the defendant von Papen, and General von Schleicher werediscussing and considering very hard what would be the best method of dealing with the Nazi Party?

A No. As I have already testified, I had no connection in that respect. I knew absolutely nothing about all these negotiations.

Q I want to make it clear, I am not suggesting you were in the negotiations. But didn't you know that the problem as to how to deal with the Nazi Party was exercising the minds of the President, the defendant, von Papen, and General von Schleicher; it was very urgent in their minds?

A Yes, I knew that, of course.

Q Again, don't think, defendant, that I am suggesting that you were in the negotiations. You may take it--well, I will make all the suggestions perfectly clear.

You knew that, in the end, the method which commended itself to President von Hindenburg, to the defendant von Papen, and to General von Schleicher was that thereshould be a government with Hitler as Chancellor, but well brigaded by conservative elements, in harness with conservative elements; thatwas the plan that was ultimately resolved on? You knew that much, I suppose, didn't you?

A Yes, but the plan was not quite like that. At that time, the time you are talking about, there was only mention of the fact that the necessity existed to bring the Nazi Party into the Government.

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A But eventually, when the Nazi Party came in, on 30 January 1933, the plan was that it would be well harnessed to conservative lements. That was the idea in President von Hindenburg's mind, was it not?

A Yes.

Q And you were one of the conservative and stable elements, if I understand you rightly, isn't that so?

A Yes.

Q And you were one of the conservative and stable elements, if I understand you rightly, isn't that so?

A Yes. It has been explained that it was the special wish of the President, von Hindenburg, that I should remain in the government.

Q In order to keep Hitler's government peace-loving and respectable. Is that a fair way of putting it?

A Yes, so as to prevent revolutionary movements, headed by Hitler, from exercising their methods too much within the government.

Q Defendant, you have told us that up to this time you had been a diplomatist. When you became a Minister, did you not think that you had some responsibility for keeping the government respectable and peace-loving as a Minister of the Reich?

A Yes, but the question is, how much power did I have to see it through?

Q I don't want to go into the workings of your mind too much, but I just want to get this clear. You realized, as a foreign minister, and as a well-known figure to all the Chancelleries of Europe, that your presence in the government would be taken throughout Europe as a sign of your approval and your responsibility for what the government did, did you not?

A I doubt that very much. Perhaps one might have hoped so.

Q Well now, let's consider it. Is it your case that up to November of 1937 you were perfectly satisfied with the peace-loving intentions and respectability of the government?

A I was convinced of the peaceful intentions of the government. I have already stated that.

Q What about respectability? By "respectability" I mean the general standard of decency that is required by any government, under which its people

are going to be reasonably happy and contented. Were you satisfied with that?

A I was by no means satisfied by the methods, particularly as far as the policy in the interior was concerned.

Q Well, I would just like to look at that for a moment. Did you know about the "Brown Terror" in March of 1933, some six weeks after the government was formed?

A I only knew of the boycott against the Jews, nothing else.

Q Do you remember the affidavit that has been put in evidence here, made by the American Consul, Mr. Geist, document 1759-PS, United States Exhibit 420?

A I shall have to see it.

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Q Just let me remind you. It is a long affidavit, and there are only one or two parts I want to put to you.

Mr. Geist gives detailed particulars of the bad treatment, the beating, the assaulting, the insulting, and so on, of Jews as early as March 1933. Did you know about that?

A I know of events; I don't know the affidavit, I haven't seen it. I do knowof the events, however, from complaints made by foreign diplomatic representatives. I repeatedly accosted Hitler with regard to these events, asking him to stop them. I do not know any further details.

Q Just leaving that affidavit for the moment, as Foreign Minister you did receive, did you not, a synopsis or an account of what was appearing in the foreign press?

A Yes, that I did, but whether I got all those things then I do not know.

Q Just let me take an example. You had been Ambassador at the Court of St. James from 1930 to 1932, if my recollection is correct, had you not?

A Yes.

Q And you realized -- whether you agreed with what was in them or not -- that the London Times and the Manchester Guardian were newspapers that had a great deal of influence in England, didn't you?

A Yes.

Q Did you know that in April of 1933 both these newspapers were full of the most terrible stories of the ill treatment of Jews, Social Democrats, and Communists in Germany?

A That is possible. I cannot remember the date, but those were just the cases which I brought up before Hitler, drawing his attention to how countries abroad were receiving these things.

Q Well, I just want to consider the extent to which these papers were making allegations. As early as the 12th of April, 1933, the Manchester Guardian was saying:

"The inquirer by digging only an inch below the surface, which to the casual observer may seem tranquil enough, will, in city after city,

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village after village, discover such an abundance of barbarism committed by the Brown Shirts that modern analogies fail."

It described them as "instruments of a terror that although wanton is systematic -- wanton in the sense that unlike a revolutionary terror it is imposed by no outward necessity, and systematic in the sense that it is an organic part of the Hitler regime."

Did you know that this, and quotations like this, were appearing in responsible British papers?

SIR DAVID MAXWELL FYFE: My Lord, that is D-911, which is a collection of extracts, and, with Mr. Wurms' affidavit, will be GB-512.

BY SIR DAVID MAXWELL FYFE:

Q Did you know that was the line that was being taken, that it was systematic in the sense of being an organic part of the Hitler regime?

A No, certainly not in that sense.

Q Did you know that the British pap er, the Manchester G uardian, was quoting: "An eminent German conservative, who is in close touch with the Nationalist members of the German Government, and certainly more sympathetic to the right than to the left, has given the number of victims as being as many as 20,000 in April"? Did you know that, that the figure was being put that high?

A No, nor do I believe it.

Q Well, let us see what the German press was saying.

On the 24th of April, 1933, the Times was quoting the Hamburger Fremdenblatt, which, in turn, was invoking official sources and stating that there were 18,000 Communists in prison in the Reich and that the 10,000 prisoners in Prussia included many social intellectuals and others.

Would the Hamburger Fremdenblatt have had a very long career as a newspaper if it misquoted official sources under your government in April 1933, misrepresented the position? It would not, would it?

A That I don't know, but I do know that a lot of stupid things were committed by meansof figures.

Q But defendant, here is a figure quoted, as far as I know, by

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a responsible Hamburg paper, as an official figure, and requoted by the London Times, which is the principal paper in England. Wasn't that sufficiently serious for you to bring it up in the Cabinet?

A I am awfully sorry, but with all respect to the papers--and even the London papers--they don't always tell the truth.

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Q No. That is a perfectly reasonable comment. Newspapers, like everyone else, are misinformed. But when you had a widespread account of terrible conditions giving large numbers, did you not,as one of the respectable elements in this government, think that it was worthy of bringing it up in cabinet and finding out whether it was true or not?

A How do you know that I did not do that?

Q That is what I am asking. Did you bring it up, and what was the result when you did?

A I have already told you that because of these incidents, I went to see Hitler -- not the cabinet, but Hitler, all the time.

Q That is not what I asked you. You see, defendant, what I asked you was why you did not bring it up in the cabinet. Here was a cabinet established with conservative elements to keep it respectable. Why did you not bring it up in the cabinet and try and get the support of Herr von Papen, Herr Hugenberg, and all the other conservative gentlemen in the cabinet, of whom we have heard? Why did you not bring it up?

A For the very simple reason that it seemed to be more effective for me to tell Hitler directly.

Q In April, 1933, some two months after it was formed, are you telling the Tribunal that you did not think it was worth while to bring a matter up in the Reich cabinet? Within two months of Hitler's coming into power, it had become so "Fuehrer-principled" that you could not bring it up in the cabinet?

A I repeat that after all I should be the only one in a position to judge it, and that I considered direct presentations made to Hitler more effective.

Q I see. Well, now, I do not suppose you were interested, but did you know about the putting into concentration camps of any of the gentlemen that I mentioned to the defendant von Papen -- Herr von Ossietzski, Herr Muehsam, or Dr. Hermann Duncker, or any of the other left-wing writers and lawyers and politicians? Did you know that they had gone to a concentration camp from which they never returned?

A No; no, I did not know that.

Q You do not know at all?

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A No.

Q At any rate, as your documents have shown, when you went to London in June, you know very well how, at any rate, foreign opinion had crystallized against Germany because of the treatment of the Jews and the opposition parties, did you not, when you went to the world economic conference in June?

A Yes. That was mentioned by me in a report that was read in court.

Q Now you say that your reaction was to go to Hitler and protest. I just want you to look at what the existing documents show that you did. Now, let us take April, first of all. Would you look at Document D-794?

(A document was handed to the witness.)

SIR DAVID MAXWELL FYFE: My Lord, it is Document Book 12-A, Page 8. It will be GB 513.

BY SIR DAVID MAXWELL FYFE:

Q Now, this is a letter from you to Hitler dated the 2nd of April, 1933:

"The Italian Ambassador telephoned me last night and informed me that Mussolini had declared himself prepared to deny, through the Italian delegations abroad, all news about the persecution of the Jews in Germany that had been distorted by propaganda, if we should consider this course useful. I thanked Herr Cerrati, also on your behalf, and told him that we should be glad to accept his offer.

"I regard this friendly gesture of Mussolini's as important enough to bring it to your notice."

What did you think had been distorted by propaganda?

A Perhaps you will be good enough to read. It says that the news had been distorted by propaganda.

Q That is what I was so interested in, defendant. What did you think had been distorted, and how much knowledge had you, so that you could decide whether the news had been distorted or not?

A That I cannot really tell you today.

Q You know that Jews had been beaten, killed, taken away from their families, and put into concentration camps, and that their property had been

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destroyed and was beginning to be sold at under value. You know that all these things were happening, did you not?

A No, certainly not, at that time. That they were beaten, yes, that had heard. But then in those days, no Jews were murdered.--

Q Well --

A Perhaps only in one individual case.

Q So you say that the Times and the Manchester Guardian of that date gave the most circumstantial examples of typical murders of Jews? You must have seen that; you must have seen that the foreign press was saying it Why did you think that it was distorted? What inquiry did you make to discover whether it was distorted?

A Who -- who -- who told me? Who had informed me about murders being committed?

Q I am putting it to you that it was in the foreign press. I have given you the two examples from the press of my country, and obviously from what Signor Mussolini was saying, it was in the press of other countries. You must have known what they were saying. What inquiries did you make to find out whether it was true or not?

A I used the channel which I had. I went to the police authorities concerned.

Q Did you ask Himmler, or did you ask the defendant Goering?

A Most certainly not.

Q Did you ask the defendant Goering? Did you ask the defendant Goering?

A No, no.

Q Why not? Why not? He was the head, inventor of the Gestapo and the concentration camps at that time. He would have been a very good man to ask, would he not?

A The man who could have given me information was the chief, the supreme head

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of police authorities.

Q Did you ask the defendant Frick ?

A I did not ask him by any means personally.

Q Now --

A Certainly not personally.

Q May I suggest to you that I do not want to take up time ? Why did you not take the trouble to ask Goering or Frick or anyone who could have given you, as I suggest, proper information ?

Would you look at Document 3893 PS ?

SIR DAVID MAXWELL FYFE : The Tribunal will find it at Page 128 of Document Book 12-A. My Lord, that will become GB 514.

BY SIR DAVID MAXWELL FYFE :

Q This is the Voelkischer Beobachter, quoting you on the 17th of September, 1933, on the Jewish question :

" The Minister had no doubt that the stupid talk abroad about purely internal German affairs, as for example the Jewish question, will quickly be silenced if one realizes that the necessary cleaning up of public life must temporarily entail individual cases of personal hardship, but that nevertheless is served to establish all the more firmly the authority of justice and law in Germany."

Was that your view in September, 1933, of the action against the Jews and against the left-wing sympathizers up to that time, that it was a "necessary cleaning up of public life", which would, of course, temporarily involve "individual cases" of harship, and that was necessary "more firmly" to establish "the authority of justice and law in Germany" ? Was that your view ?

A I think it was the day before yesterday that I told you, in answer to the question of what my attitude was toward the Jews, that in view of the incidents which occurred after the last war and the control that the Jews in Germany had over public life, I wished to see these symptoms either removed or limited. I considered that right, and that is what I am referring to here.

Q So that it is right -- I mean, you are not running away from what you said on the 17th of September, 1933 -- that you thought the treatment of the Jews in 1933 a "necessary cleaning up of public" in Germany ? Are we to take it that your view then is your view now, and you do not deviate from it at all?

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Is that right ?

A No; that is still my view today, only that is should have been carried out by different methods.

Q All right. Well, we will not go into discussions of it.

Am I to take it that you knew and approved of the breakdown of political opposition ?

A No.

Q Well, then, let us take it by stages. Am I to understand that you believe in the prescribing, the making illegal of the Communist party ?

A In those days, most certainly, because you have heard that we were facing civil war.

Q Very well. You agreed with that. Did you agree with the breaking down and making illegal of the trade unions ?

A No.

Q What did you do to protest against the breaking down of the trade unions ?

A This was a sphere which could not affect me in any way. I was foreign minister, and not minister of the interior.

Q I see. Well, again, I am not going to argue with you . You thought it was perfectly right as foreign minister to remain and give your support and authority to a government which was doing something of which you disapproved, such as breaking down the trade unions. Is that how we are to take it ?

A Yes. But I will say something to you. Have you ever heard that every cabinet minister left the cabinet if he did not like one individual story or one fact ?

Q Every cabinet minister for whom I have any respect left a cabinet if it did something of which he morally disapproved, and I understood from you that you morally disapproved of the breaking down of the trade union movement. If I am wrong, correct me. If you did not disapprove, say so.

A I did not think that it was immoral. It was a political measure, but not an immoral deed.

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Q Then let us take No. 3, take the Social Democratic Party, that was a party which had taken a great share in the government of Germany and of Prussia for the years since the war. Did you think it right, morally right, to make that party illegal and unable to take any further share in the carrying on of the country?

A No, certainly not.

Q Let us get it clear. Did you think it right or not?

A I just told you no but, then, I dongt know.

Q What did you do to protest against that; what did you do to protest against the dissolution of the Social Democratic Party?

A Against that dissolving, I could only state my objection.

Q To whome did you state your objection against the dissolution of the Social Democratic Party?

A Again and again to Hitler.

Q Again and again you raised the objection against the dissolution of the opposition parties? You never raised that in the cabinet; that is right, isn't it?

A I can't remember whether this question was brought up before the cabinet.

Q I see. All right. Let us just pass to another aspect and still on 1933. You see, I just want you to have in mind what was happening in 1933. Did you know that after you had announced that Germany was leaving the Disarmament and the League of Nations, that orders for military preparations to deal with the possibility of war, had been begun?

A No. In 1933, no, I knew nothing about it.

Q Yes, it started in C-140, United States Exhibit 15, on the 25th of October 1933. Now, defendant, you were Foreign Minister. Are you telling the Tribunal that neither had Hitler nor Marshal von Blomberg---I think he was Reichswehr Minister--that none of them told you, as a result of this action, "we shall have to have the preparations ready in case sanctions, including military sanctions, are imposed on Germany." Did none of them tell you that that was to be the result of your move in foreign policy?

A No, nor was there to be any action to be feared.

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Q I see. You will agree with me that it is rather odd not to inform the Foreign Minister of the possible consequences of his policy in the military preparations you are taking to deal with it; it is rather odd, isn't it in any system of government, of totalitarian, democratic, or anything you like, it is rather odd not to tell the Foreign Minister what you are doing in the way of military preparations, to deal with his policy, isn't it?

A The opinion whether there is danger or not, because of this leaving of the the League of Nations and the Disarmament Conference , that opinion was mine. I had to decide, I had to decide whether this might have possible consequences. The military had their own opinion, presumably, but I do not know. There were certain discussions amongst the general staff. That, I assume, at any rate.

Q Well, now, I just want to sum up for 1933 and I want to deal with it qickly. May I take it, that up to the end of 1933, despite these matters which I have put to you, that you were perfectly satisfied with the respectability and peace-loving intentions of the government; is that right?

A Yes.

Q Well, now, just let us turn to 1934. You remember your conversation with Mr. Dodd, the American Ambassador, which you mentioned in your document book No. 1, at page 54. It was on the 28th of May 1934, and Mr. Dodd had told you apparently what he had said to Hitler about the way Americans are trying to control profiteering by great financial interests. He said that you said that you were glad that he had informed Hitler and then Mr. Dodd added "that the Chancellor had not agreed with me." Then he says: "Von Neurath was silent for a moment after my

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"remarks. It was plain that he was entirely of my way of thinking. He begged me to say to Washington that the outbreak was entirely contrary to the German Government purpose, but he did not commit himself on Hitler." What did you mean by that "...that the outbreak was entirely contrary to the German Government purpose..."

A. By that I wanted to say that the members of the cabinet, the majority of them were against these methods. Apart from that, I can add that I had asked Mr. Dodd to give backing to my suggestions I was making to Hitler, to go and see Hitler personally. I took him to Hitler.

Q. But did you know, in May 1934, that the German Government was going in for systematic and virulent anti-Semitism, didn't you know that?

A. Anti-Semitic propaganda, I could hear practically daily from Dr. Goebbels' speeches.

Q. Yes; well, let us pass to something a little more concrete. Had you any reason for disliking General von Schleicher or General von Bredar?

A. No.

Q. What was the effect on your mind of these two gentlemen and Frau von Schleicher being killed in the blood purge of the 30th of June 1934?

A. I hardly need to answer that. It is a matter, of course, that I was repulsed by, it is quite clear, but then I told you the other day that unfortunately in the case of such a revolt, innocent people always have to suffer.

Q. But just let us get it clear. You told the Tribunal the other day that you thought--and had some reason for thinking--that there was a movement in the SS, that is, a movement led by Roehm and Ernst, and I suppose people that you would consider undesirable of that sort; what reasonshad you to suppose that General von Schleicher and General von Bredar had been in a conspiracy, if any?

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Q. What was the effect on your mind of these two gentlemen and Frau von Schleicher being killed in the blood purge of the 30th of June 1934?

A. I hardly need to answer that. It is a matter, of course, that I was repulsed by, it is quite clear, but then I told you the other day that unfortunately in the case of such a revolt, innocent people always have to suffer.

Q. But just let us get it clear. You told the Tribunal the other day that you thought--and had some reason for thinking--that there was a movement in the SS, that is, a movement led by Roehm and Ernst, and I suppose people that you would consider undesirable of that sort; what reason had you to suppose that General von Schleicher and General von Bredar had been in a conspiracy, if any?

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A. I had no reason at all, and I don't believe so today. I don't believe today that they were plotting.

Q. Did you hear about the unfortunate way in which Herr von Papen kept on losing secretaries at the same time? You remember, you know.

A. Yes, that was the ---

Q. Do you know that Herr von Boose and Jung were killed, von Chirski was arrested, and two other gentlemen also arrested? Did you hear about that?

A. Yes, I did, through Herr von Papen.

Q. And did you regard the blood purge of the 30th of June as just another element in the necessary cleaning up of public life?

A. To the extent that it was carried out with all the outrages and murders of innocent people, most certainly not.

Q. Why did you go on in a government that was using murder as an instrument of political action?

A. I have dready told you twice that in the case of such revolution, such mishaps cannot be avoided.

Q. I see. Well, now, let us take just another of your 1934 experiences. You know about the terroristic acts that were going on in Austria and in May and June of 1934, did you not; and by "terroristic acts"---don't let us have any doubt about it---what I mean is the causing of explosions in Austrian public utilities and railways and things like that. I mean dynamite. I don't mean anything vague. You know that such acts were going on in Austria in May and June 1934, did you not?

A. Yes, I heard about it, and against that I have always fought, because I know that it was done by Nazis and let me say, mostly by Austrian Nazis.

Q. What position did Herr Koepke have in your Ministry on the 31st of May 1934?

A. Herr Koepke, he was the Ministerial Director.

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Q. Quite a responsible position, was it not?

A. Yes.

Q. Do you remember Herr Koepke reporting to you on the 31st of May 1934, on a visit of Baron von Waechter?

A. No, I cannot remember that.

Q. Well, just think; you know. Baron von Waechter was one of the leaders of the Putsch against Dolfuss six weeks later on the 25th of July. Don't you remember Herr Koepke making a report to you and you passing it on to Hitler?

A. No, I cannot remember that.

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Q Let's refresh your memory if you don't remember it. Will you look at Document D-868? It willbecome GB 155. Just look at it. I will read it over, but just look at the signatories carefully and if you will be good enough to look at the top, I think you will find, on the original, there are your own initials, and on the left hand side there is a note: "The Reich Chancellor has been informed 6/6." That is on the 6th of June. That is initialed "L" by Lammers, Dr. Lammers. Then there is a note below that: "From the Reich Chancellor on 6th June", also initialed by Lammers I think. And on the other side you will see there is a note which is certainly initialed "Lammers." "Habicht is coming today . . . L 6/6." And this memorandum comes back from the Reich Chancellor to the Foreign Office on the same day. Now just let's see what reports you were getting from Austria and passing on to Hitler. We will omit, unless you want it particularly, a description of Baron von Waechter's fresh, youthful appearance in Paragraph 1; but it goes on to say: "His statements were obviously made in full consciousness of serious responsibility. His estimation of the affairs and personalities that came under review was clear and definite. Herr von Waechter drew up for me too a picture of the situation in Austria which was in some of its colours, even darker and more serious than it had appeared to us here up till now. The extremist tendencies of the National Socialists in Austria were constantly on the increase. Terrorist acts were multiplying. Irrespective of who actually undertook the demolitions and other terrorist acts in individual cases, each such act provoked a new wave of extremism and also of desperate acts. As Herr von Waechter repeatedly and sadly stressed, uniformity of leadership was lacking. The SA did what it wanted and what it, for its part, considered necessary. The political leadership at the same time introduced measures which sometimes meant the exact opposite. Thus, the great terrorist action as the result of which the railway lines leading to Vienna were blown up, was by no means committed by Marxists, but by the Austrian SA, and indeed against the wishes of the political leadership which, as he believed, did not participate in any way either in the act or in its preparation. Such is the picture as a whole. In detail, in individual provinces and districts, the confusion was, if possible, even greater. Then he says that the main seat of unrest is Carinthia and where conditions

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were worst. And then he says: "Herr von Waechter thought that here improvements must be introduced most speedily, and namely, by means of centralization of all forces active in the interests of National Socialism both in Austria itself and outside Austria. Personal questions should play no part here. The decisive word in this connection could of course be given only by the Fuehrer himself. He, Waechter, was in full agreement with Herr Habicht on all these matters. As far as he knew, Herr Habicht had already succeeded in having a brief conversation with the Reich Chancellor today." Now just let's pause there for a moment. Herr Habicht was appointed about that time Press Attache at the German Embassy in Vienna. The appointment of Herr Habicht as Press attache would be done either by you or with your approval, would it not? It was under your department?

A At the moment, I don't even know the details, but Habicht was the Austrian Attache in Munich and if and when he went to Vienna as Press Attache I don't know.

Q Well, you can take it that he went to Vienna as Press Attache at the end of May, 1934, and what I am asking you is, was it not either at your order or with your approval that he was given a post which gave him diplomatic immunity in the middle of his plottings?

A If Mr. Habicht was really there, then he neither went with my knowledge or approval, and presumably, it was arranged by the Ministry of Propaganda, who used to send these Press people about.

Q Well, you will agree with me, definitely, that this isn't a very pleasant document; it doesn't describe a very pleasant state of affairs. Let me remind you, this came from your ministerial director to you and went on to the Fuehrer and

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came back from Dr. Lammers with a note: "Habicht is coming today."

A Sure, to the Fuehrer of course.

Q To the Fuehrer?

A Mr. Prosecutor, I want to point out to you that here only the Austrian National Socialists are being mentioned, and I had nothing to do with those.

Q What I am pointing out to you is that the document, this Foreign Office document goes to the Reich Chancellor; it comes back on the 6th of June with a note from Dr. Lammers saying: "Habicht is coming today." You must have known all about Habicht on the 6th of June. It is mentioned in this report.

A Not at all. This note from Lammers means that Habicht was going to see the Reich Chancellor and this report from my ministerial director was passed on to the Reich Chancellor by me to show what the conditions were in Austria. That was the reason.

Q But you remember Herr von Papen giving evidence a few days ago, and when I asked him who were the leading Reich German personalities who influenced the Putsch in Austria in July, 1934, he thought for a long time and the only leading Reich German personality that he could remember as influencing the Putsch was this very Herr Habicht?

A Yes.

Q Well then, what I am putting to you is -- and pausing there to get it -- that you know very well, on the 6th of June, 1934, that Herr Habicht, this leading Reich personality, according to the Defendant von Papen, was organizing revolution in Austria, didn't you?

A Whatever makes you think a thing like that? Mr. Habicht never came to see me. He went to see the Reich Chancellor.

Q You saw this report. This is a report of your ministerial director. I have just read what von Waechter thought.

A Yes, but it doesn't say a word about Mr. Habicht.

Q Yes, I just read that to you. May I remind you: "The decisive word in this connection could of course be given only by the Fuehrer himself. He, Waechter, was in full agreement with Herr Habicht on all these matters."

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In other words, what Waechter isputting to the Foreign Office were the views of Habicht no less than himself.

A Yes, and it goes on to talk about all these terrorist acts. These terrorist acts and these things which are being described in this document were brought to the Reich Chancellor's notice by me.

Q Well, just look what the report says at the foot of the page: "But when nothing followed in the meantime, and on the other hand the counter measures of the Austrian administration grew more and more brutal and incisive from day to day, the radical elements moved afresh and came forward with the statement that the Chancellor had issued his order only for tactical reasons, but was inwardly in agreement with every manly act of opposition and had in view, as the true political aim, merely the weakening of Dollfuss' hateful system, though in a way which was as unobtrusive as possible. They were now working on this principle." Listen to the next bit, his suggestion to you, the nearest warning of trouble which any Foreign Minister ever heard of: "In the course of the discussions, this idea, which goes on secretly smouldering, was met with again and again. A change must soon be made and a uniform leadership . . . . otherwise Herr von Waechter concluded his impressive description, - any day a disaster might occur which would have the worst consequences from the point of view of foreign policy, not for Austria alone,but above all for Germany." Then, dramatically, in the middle of the conversation, Herr vonWaechter receives a telephone message that he had better not go back to Vienna or he will be arrested on his arrival; and within six weeks he had started the Putsch and Chancellor Dollfuss had been shot. Do you remember now? Did you not appreciate, at the beginning of June, 1934, that there was the greatest danger of an uprising and trouble in Austria?

A Yes, but definitely. That is the very reason for which I sent the report to the Chancellor. I couldn't intervene in Austria.

Q Perhaps you can tell me, on the questionon which the Defendant von Papen was unable to specify, who, in your opinion, were the other prominent Reich German personalities who were behind the Dollfuss Putsch in Austria? You say you were not. In your opinion, who were these personalities that

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Herr von Papen mentioned as being behind this Dollfuss Putsch?

A I know none. I only know Habicht always as a personality against whom I objected before Hitler because of his actions. Apart from that, I know no Reich Germans. He was an Austrian National Socialist who has been mentioned dozens of times during the trial and whom I didn't know either.

Q I am not mentioning them. I am mentioning the Defendant von Papen's prominent Reich German personalities and I am trying very hard to find out who they were. Are you taking the same line, that the only one you can remember is the Press Attache, Habicht? Is that all you can help the Tribunal in this matter?

A I have already said that it will have to be, no, that I don't know one.

Q Is it your opinion that your Minister, Dr. Ried, know nothing about this, despite what Mr. Mossersmith said on that point? Do you think Dr. Ried knew nothing about the Putsch?

A How far Ried was informed, that is something I can't tell you, but you do know how, when he acted objectionably later on, I recalled him right away. Apart from that, I always prohibited the ambassador from intervening in such matters.

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Q You haven't any doubt in your own mind that Dr. Ried knew all about the impending Putsch, have you?

A Oh, yes, I have considerable doubt that he knew. I don't believe so, because according to his character, he wasn't like that.

Q Well now, at any rate, you knew on the 25th of July that the Austrian Nationalists had made this Putsch and had murdered Dollfuss?

A That wasn't a secret.

Q No, I know it. A lot of these things were not secrets. What I am interested in was your knowledge -- when you found out --

A Afterwards, yes.

Q But didn't that give you any qualms about remaining in a government which had extended its policy of murder from at home to abroad, through the Party elements in Austria?

A If I am to answer for every individual citizen, for every German murderer who has been active abroad, then I would have had a lot of work to do, wouldn't I?

Q You knew, Herr von Neurath -- and I shall remind you how in a moment -- you knew that the Austrian NSDAP was in close touch with and acting under the orders of Hitler all the time when Hitler was head of your government; you knew that perfectly well, didn't you?

A He was the chief of the NSDAP. That they were collaborating was natural, wasn't it?

Q Yes. Now there is just one other point --

A Yes. I want to tell you one thing: I continuously worked against that with Hitler, together with Herr von Papen, namely, that this Mr. Habicht should be active in the way he was.

Q We will take that up in a moment. I just want to get one point of fact. Does this accord with your recollection: I have been through all the reports of the Defendant von Papen and apart from three personal reports, two dealing with Herr von

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Chirski and one dealing with abuse of Hitler, which is of no political significance, we have twenty-eight reports. Nineteen of these reports are marked as being copies to the Foreign Office. Is that in accord with your recollection, that three out of four of Herr von Papen's reports would come to you to be seen by you?

A That I can not tell you at this late day.

Q You are quite right, Herr von Neurath. You wouldn't know how many went to you, but you say you saw a considerable number of Herr von Papen's reports. I think there were nineteen; I am sure you can take it that they are marked, nineteen are marked: "Passed the Foreign Office."

A I do believe them, yes, but the question is, how many were put before me. I didn't receive every individual report from every ambassador or Charge d'Affaires abroad. Otherwise, I would have drowned in paper.

Q I quite agree, but what I asked you was, did you receive these from Herr von Papen, who was supposed to be in a rather special position dealing with a very difficult problem? Did you receive a considerable number of reports from Herr von Papen to Hitler as passed to you?

A I can only tell you that I received some reports but certainly not all. I can't tell you more than that today.

SIR DAVID MAXWELL FYFE: My Lord, perhaps this would be a convenient time to break off.

THE PRESIDENT: We will adjourn at this time.

(A recess was taken until 1400 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1405 hours, 25 June 1946.)

CONSTANTIN VON NEURATH--Resumed

CROSS EXAMINATION--Continued

BY SIR DAVID MAXWELL FYFE:

Q I just want to get two or three facts clear about 1935 before I put some questions to you.

On the 10th of March, Germany announced the establishment of an air force and on the 16th of March I think you, among others, signed the law introducing compulsory military service. You explained all that to us; I don't want to go over it again, but I just want to ask you about the Secret Reich Defense Law of the 21st of May 1935. Would you look at General Thomas' comment on it.

SIR DAVID MAXWELL FYFE: My Lord, it is at page 52 of Document Book 12. It is about page 71 of the German document book.

THE PRESIDENT: No. 12-A or B?

SIR DAVID MAXWELL FYFE: No. 12, my Lord. That is the original one; page 52.

BY SIR DAVID MAXWELL FYFE:

Q "The General Reich Centralization of the Supreme Reich authorities, ordered in case of war, has influenced the development and the activity of the war economy organization to such an extent that it is necessary to discuss the matter in detail. The foundations had already been laid for the central organization of the supreme Reich authorities in the event of a war prior to 1933, in many discussions and decrees, but it was radically altered when the National Socialists came into power, and especially by the decease of President von Hindenburg. The latest orders were decreed in the Reich Defense Law of May 21, 1935, supposed to be published only in case of war, but already declared valid for carrying out war preparations. As this law fixed the duties of the armed forces and the other Reich authorities in case of war, it was also the fundamental ruling for the development and activity of the war economy

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organization."

And you will remember that on the same day the defendant Schacht had been made Plenipotentiary for War Economy.

Did you appreciate at the time, Defendant, that that law was the fundamental ruling for the development and activity of the war economy organization?

A Yes, but only in case of a war, that is, in case of mobilization.

Q You see that the point that I am putting to you is that it had already been declared valid for carrying out war preparations. Didn't you understand that it was a big step forward for war preparations?

A Not at all. It wasn't a large step forward at all. It was only the establishing of the necessary measures in case of a war. In every country you have to be prepared, and you have to guarantee a working together and cooperation of the various offices in such an event.

Q That is your view. Now, at this time, up to May 1935, is it correct that the German Foreign Office was still staffed by diplomats or Foreign Office Officials of the older school and had not yet been invaded by the products of the Bureau Ribbentrop?

A Yes.

Q Did you receive any warnings from your own staff as to the happenings in Austria or the rearmament, the declaration of the air force and the conscription?

A I was advised about happenings in Austria, as can be seen from the report which you submitted to me. The reestablishment of the Wehrmacht was a decision which was made in the Cabinet, and of course I knew about that.

Q Yes, but -- I'm sorry, probably I didn't put the proper emphasis on the word. When I said "warning", I meant a real warning from your officials that these happenings were making Germany regarded abroad as being bloodthirsty and war-mongering.

Did you get any warnings from your officials?

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A Certainly not, for that wasn't the case, and if any assertions or claims like that were being made abroad, they certainly weren't true.

Q Now, would you look at Document 3308-PS, the affidavit of the interpreter Paul Schmidt.

SIR DAVID MAXWELL FYFE: My Lord, it is page 68 of Document Book 12-A, and it is page 65 or 66 of the German version, paragraph 4.

Q (Continuing): Now, just let me read you paragraphs 4 and 5, as to what Herr Paul Schmidt says:

"4. The attempted putsch in Austria and the murder of Dollfuss on 25 July 1934 seriously disturbed the career personnel of the Foreign Office because these events discredited Germany in the eyes of the world. It was common knowledge that the putsch had been engineered by the Party, and the fact that the attempted putsch followed so closely on the heels of the blood purge within Germany could not help but suggest the similarity of Nazi methods both in foreign and in domestic policy. This concern over the repercussions of the attempted putsch was soon heightened by a recognition of the fact that these episodes were of influence in leading to the Franco-Soviet Consultative Pact of 5 December 1934, a defensive arrangement which was not heeded as a warning by the Nazis."

Defendant, let's take that. In these three points, is it correct as Herr Schmidt says, that the attempted putsch and the murder of Dollfuss seriously disturbed the career personnel in the Foreign Office?

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A Not only the career personnel of my office were disquieted over this but I was personally disquieted, as well.

Q And taking the last sentence:

"This concern (that is the disturbance by the Putsch) over the repercussions of the attempted Putsch was soon heightened by a recognition of the fact that these episodes (blood purges and the Putsch) were of influence in leading to the Franco-Soviet consultative pact of December 5, 1934, a defensive arrangement which was not heeded as a warning."

Is that correct, that among your staff the concern was heightened by recognising that the blood purge and the Putsch had alarmed France and the Soviet Union as to the position of Germany and led to the consultative pact?

A No, that is a personal opinion on the part of the interpreter Schmidt.

Q No, with respect to you, defendant, it is not. What interpreter Schmidt is saying is that that was the opinion of your experienced staff in the Foreign Office and that is what I am putting to you. Is he not right in saying that your experienced staff were concerned that these events had had their effect on the consultative pact?

A Not in the least, not in the least.

Q Well, at any rate --

A The two things had no connection with each other.

Q Is he correct in his last statement that that arrangement was not heeded as a warning by the Nazis?

A That I cannot say, I do not know.

Q Well, now, just look at the next paragraph.

"The announcement in March of the establishment of a German Air Force and of the introduction of conscription was followed on 2 May, 1935, by the conclusion of a mutual assistance pact between France and the Soviet Union. The career personnel of the Foreign Office regarded this as a further very serious warning as to the potential consequences of German foreign policy but the Nazi leaders only stiffened their attitude towards the Western Powers, declaring that they were not going t o be intimidated. At this time, the career officials at least expressed their reservations to the Foreign Minister, Neurath. I do not know whether or not Neurath in turn related these expressions of concern to Hitler."

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Now, just let us take that. Do you agree that the career personnel of the Foreign Office regarded the Franco-Soviet pact as "a further serious warning as to the potential consequences of German foreign policy"?

A I do not know in the name of whose personnel Mr. Schmidt is making statements, in whose name he is making these statements. But I, at any event, did not say anything to the effect that my career personnel expressed opinions to this effect.

Q Well, here is Herr Schmidt saying:

"The career officials, at least, expressed their reservations to the Foreign Minister, Neurath." That is you.

Are you saying that Herr Schmidt, who after all was a career official though he was an interpreter for a great deal of the time, are you saying that Herr Schmidt is not stating what is accurate when he says that your personnel, officials, expressed their concern to you?

A Quite exclusively and completely. How could Mr. Schmidt know, who was only an insignificant official at that time, what my career personnel and officials told me and on the other hand, how could Schmidt judge this? And beyond that I should like to add that Schmidt said here, before this Court, that this affidavit or whatever this may be, was submitted to him after he had just recovered from a serious illness and that he personally did not have exact knowledge of the contents.

Q You may rest assured, the Tribunal will correct me if I amwrong, that I put these paragraphs to Herr Schmidt and he agreed with them when he was giving evidence before this Tribunal.

But now just look at one other statement at the end of paragraph six. We will read paragraph six because I want to ask you about the end.

"The re-entry of the German military forces into the Rhineland was preceded by Nazi diplomatic preparation in February. A German communique of 21 February 1936 reaffirmed that the French-Soviet pact of mutual assistance was incompatible with the Locarno Treaties and the Covenant of the League. On the same day Hitler argued in an interview that no real grounds existed for conflict between Germany and France. Considered against the background statements in Main Kampf offensive to France, the circumstances were such as to suggest that the stage was being set for justifying some future act. I do not know how far in

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advance the march into the Rhineland was decided upon. I personally knew about it and discussed it approximately two or three weeks before it occurred. Considerable fear had been expressed, particularly in military circles, concerning the risk of this undertaking. Similar fears were felt by many in the Foreign Office. It was common knowledge in the Foreign Office, however, that Neurath was the only person in government circles consulted by Hitler who felt confident that the Rhinland could be remilitarized without armed opposition from England and France. Neurath's position throughout this period was one which would induce Hitler to have more faith in Neurath that in the general run of old school diplomats, whom he (Hitler) tended to hold in disrespect".

Now, if this minor officcial, of whom you just talked, knew about and discussed the march into the Rhineland some two or three weeks before it occurred, how much before it occureed had you discussed it?

A. Mr. Schmidt must have been clairvoyant and a soothsayer for two or three weeks in advance I even did not know anything about it. I heard this decision only one week in advance and if it says here that in the Foreign Office it was generally common knowledge that I was the only one in the government circles consulted by Hitler who was confident that the Rhineland could be remilitarized without armed opposition from Britain and France, I, of course, was right.

Q. But is it true that you were the only person in government circles who thought that it could be occupied without interference by Britain and France? Is that true?

A. I am not in a position to say that, whether I was the only one, but at any rate, I had that conviction, based on my knowledge of international conditions.

Q. So that at any rate, whatever the militations of Herr Paul Schmidt, he knew what your position was quite accurately. Was he not right about it in the last sentence, that your position throughout the period was one which would make Hitler

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look to you rather than to the rest, the other officials of pro-Nazi diplomacy and foreign affairs, because you were the person who was encouraging him? Is that not the position?

A. I did not encourage him in any way, but I described the situation as I saw it, and the fact that I was right, that is a matter of proof.

Q. Well now, I just want you to deal with one other point, which is really 1936, but we will deal with it as I have been dealing with Austria.

You have said once or twice that you objected very strongly to the description of the Austrian treaty, the treaty between the Reich and Austria of the 11th of July as being a subterfuge or a facade. That is right, is it not, you objected very strongly to that view?

Do you know that Hitler had given instructions to the Gauleiters of the Austrian N.S.D.A.P. to carry on the struggle at the same time as the treaty was signed?

A. No, I do not know anything about that.

Q. Just let me remind you. I do not want to put anything that seems unfair.

SIR DAVID MAXWELL FYFE: My Lord, it is document book 12, page 97.

This is the report of Dr. Rainer, whom the Tribunal has had the advantage of seeing, and if you will look at the end of one paragraph it says:

"The agreement of 11 July 1936 was strongly influenced by the activities of these two persons (that is defendant Seyss-Inquart and Colonel Glaise-Horstenau). Papen mentioned Glaise-Horstenau to the Fuehrer as being the trusted person".

Now, the next paragraph:

"At that time the Fuehrer wished to see the leaders of the party--"

THE PRESIDENT: Sir David --

SIR DAVID MAXWELL FYFE: I am sorry, My Lord.

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THE PRESIDENT: Do you say 97 of document book 12?

SIR DAVID MAXWELL FYFE: I did, My Lord, yes. Yes, My Lord, it is the third paragraph, and begins -- "At that time--"

THE PRESIDENT: Oh yes, I see it.

SIR DAVID MAXWELL FYFE: If your Lordship pleases:

"At that time, the Fuehrer wished to see the leaders of the party in Austria, in order to tell them his opinion on what Austrian National Socialists should do".

THE PRESIDENT: I am afraid it was another "At that time" that we were looking at. Could you give us some other indication?

SIR DAVID MAXWELL-FYFE : My Lord, it is in the middle.

THE PRESIDENT : It is on 98 in ours.

SIR DAVID MAXWELL-FYFE : I am so sorry, My Lord. The paging must be different. I beg Your Lordship's pardon.

BY SIR DAVID MAXWELL-FYFE :

"At that time the Fuehrer wished to see the leaders of the Party in Austria in order to tell them his opinion on what Austrian National-Socialists should do. Meanwhile Hinterleitner was arrested, and Dr. Rainer became his successor --"

Mind you, this is the man who is making this statement.

"--became his successor and leader of the Austrian Party. On 16 July 1936 Dr. Rainer and Globocnik visited the Fuehrer at the Obersalzburg, where they received a clear explanation of the situation and the wishes of the Fuehrer. On 17 July 1936, all illegal Gauleiters met in Anif near Salzburg, where they received a complete report from Rainer on the statement of the Fuehrer and his political instructions for carrying out the fight. At the same conference the Gauleiters received organizational instructions from Globocnik and Hiedler."

Did you not know--did Hitler not tell his Foreign Minister, who had just supervised the conclusion of this treaty, that he intended to give the illegal Gauleiters instructions as to how to carry on the fight ? Didn't he tell you that ?

A No, he did not tell me that, but I do remember-- I believe it was the same Mr. Rainer who appeared here as a witness-- who stated that Hitler has summoned him and told him and other Gauleiters that in the future they were to observe the agreement of 1936, and that is the fact that I remember, and this matter that you just quoted is not mentioned in the document that you put before me.

Q It is not mentioned. What is mentioned is the political instructions for carrying out the fight and the organizational instructions from Globocnik. At any rate, you knew nothing about that ?

A No.

Q Well, it is rather difficult for you to judge whether the treaty is made sincerely if you do not know the instructions that are given to the illegal Party in Austria by Hitler, is it not ?

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A Yes, Yes, of course.

Q Well, now, just let's deal with one or two other points. I would just like you look at what Mr. Messersmith says at the end of 1935. You remember this statement— I will give you the reference in a moment—that :

"Europe will not get away from the myth that Neurath, Papen, and Mackensen are not dangerous people and that they are diplomats of the old school. They are in fact, servile instruments of the regime, and just because the outside world looks upon them as harmless they are able to work more effectively. They are able to sew discord just because they propagate the myth that they are not in sympathy with the regime."

Now, can you tell us up to the date on which Mr. Messersmith wrote that— on 10 October 1935— of a single instruction of Hitler's that you had not carried out ?

A I did not quite understand. A single—

SIR DAVID MAXWELL-FYFE : My Lord, I am sorry; I mislaid the reference. It is Document Book 12, page 106. That is the reference to it.

BY SIR DAVID MAXWELL-FYFE :

Q You see, Mr. Messersmith is there saying that you and the defendant von Papen and von Mackensen are servile instruments of the regime. Now, I am just asking you whether you could tell us up to the date that Mr. Messersmith wrote, on 10 October 1935, any instructions of Hitler's that you had refused to carry out.

A Not only one, but quite a few, and I have testified to that, as to the number of times I objected to Hitler and contradicted Hitler, and I talked about Messersmith's affidavit and its significance.

Q Defendant, I will put it this way : Up to 10 October 1935, what did you tell the Tribunal was the most serious thing that Hitler has ordered you to do and you had refused to carry out ? What was the most serious—the one that mattered most ?

A At this moment, that is a question that I can not answer. How do you expect me to remember what the most serious question was that I opposed and fought ? I fought many, many things.

Q If you can not remember what you think is the most serious, I shall not trouble you with it anymore.

A Please give me examples. It is rather hard to make a statement and a

claim without giving me the possibility of refuting any claims.

Q I was asking you to tell us, but I will pass on to what another American diplomat put. I would like to ask you about Mr. Bullitt's report, with which I gather you agree.

SIR DAVID MAXWELL-FYFE : My Lord, that is L-150, and it is at page 72 of the document book 12.

My Lord, I hope that there is no difference of the paging 72 of mine.

THE PRESIDENT : Yes, it is 74.

SIR DAVID MAXWELL-FYFE : Yes, it is 74. I am sorry My Lord.

BY SIR DAVID MAXWELL-FYFE :

Q Now, it is the second paragraph there. After saying that he had a talk with you, he says :

"Von Neurath said that it was the policy of the German Government to do nothing active in foreign affairs until"the Rhineland had been digested". He explained that by that he meant that until the German fortifications had been constructed on the French and Belgian frontiers, the German Government would do everything possible to prevent rather than encourage an outbreak by the Nazis in Austria and would pursue a quiet line with regard to Czechoslovakia. "As soon as our fortifications are constructed and the countries of Central Europe realize that France can not enter German territory at will, all those countries will begin to feel very differently about their foreign policies and a new constellation will develop."

Q You agree you said that ?

A Yes, yes. Certainly, yesterday or the day before I testified in detail about what that was to mean.

Q I would like to see if you agree with the meaning I suggest. That is that as soon as you had got your fortifications in sufficiently good order on your Western Frontier, you would proceed to try and secure an anschluss with Austria and to get back the Sudetenland from Czechoslovakia. Isn't that what it means ?

A No, no, not at all, and you can see quite clearly from this document I want to say by the statement and I express myself to the effect that these countries, particularly Czechoslovakia and France, would change their policy as regards Germany, especially if they saw they could not march through Germany at will.

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Q You appreciate, defendant, what I am putting to you ? I think I made it quite clear-- that at the time that you were facing the Western Powers with the remilitarization of Germany and the Rhineland--that is in 1935 and 1936--you were then giving assurances to Austria, which Hitler did in May 1935, and you made this treaty in 1936. As soon as you had digested your first steps, you then turned against Austria and Czechoslovakia in 1938. I am suggesting, you see, that you were talking the exact truth and prophysizing with a Cassandra-like accuracy. That is what I am suggesting--that you knew very well that these intentions were there.

A Not at all. Not at all. Not at all. That is an assumption on your part, and it has no backing at all. There is no proof for it at all.

Q We will not argue it further because we will come on to just one other point before we proceed to 1937.

You have told the Tribunal, not once but many times, that you did not support the Nazi attitude toward the Christian churches, of oppressing the churches. I have understood you correctly, have I not ?

A Yes, indee.

Q Now, you say that you resisted and actively intervened against the repression of the Church. Would you just look at document 3758-PS.

SIR DAVID MAXWELL-FYFE : My Lord, that will become GB 516. My Lord, Your Lordship will find it in document book 12-A, page 81.

BY SIR DAVID MAXWELL-FYFE :

Q This is an entry which must have been fairly early in 1936 in the diary of the Reich Ministry of Justice :

"The Reich Foreign Minister sent over, with a personal note for confidential information, a letter from Cardinal State Secretary Pacelli--" That is the Present Pope. "-- to the German Ambassador in the Vatican, in which he (Pacelli) presses for an act of pardon for Chief Curate Seelmayer. He, the Reich Foreign Minister, remarks to this that after the heavy attacks on the German Administration of Justice by the Holy See in the note of 21 January, there is no reason in his opinion to show any deference to the Vatican. He recommends it, however, since, because of foreign policy reasons, it is valuable not to let cool off the good personal relations with Pacelli."

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Now, defendant, will you tell me anything that showed the slightest personal interest in the fate of Father Seelmayer, or were you concerned with showing a firm front to the Vatican and not losing your good relations with Cardinal Pacelli ?

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DR. VON LUEDINGHAUSEN: Mr. President, the document is just being submitted to me now; I have had no opportunity to look this document over or to check into it. I do not know that up until this time, in this proceeding, there has been any question about a diary of the Reich Minister of Justice. Therefore, I am not in a position to judge how the Reich Minister of Justice could have made this entry in his diary.

This point seems to be drawn from the context, and I am unable to form a complete picture. The same is true of the defendant; he cannot draw any conclusion or significance from it.

Therefore, I must object to the admissibility of this; I have to protest against this question being put and the document being used.

SIR DAVID MAXWELL FYFE: This is a perfectly good captured document. It is a copy of the original dimry of the Reich Minister of Justice, and it is therefore admissible against the defendant.

THE PRESIDENT: DR. von Luedinghausen, you can see the original document.

SIR DAVID MAXWELL FYEE: My Lord, actually, I am just told by my American colleagues that this diary has been used before, that extracts were put in in the case against the defendant von Schirach.

THE WITNESS: Mr. President, I have no misgivings--

DR. VON LUEDINGHAUSEN: I can't understand a word, Mr. President. I am sorry, I could not understand a word. I can hear now.

THE PRESIDENT: When you make an objection, you should see that the instrument is in order.

What I said was that you can see the original document. I am told now that the original document has been used before, and that therefore there is nothing to prevent its being used in cross-examination. It is a captured document, and you can see the original.

DR. VON LUEDINGHAUSEN: I did not know that, Mr. President.

BY SIR DAVID MAXWELL FYFE:

Q What I am putting to you, defendant, is that your statement to the Minister of Justice shows no concern for the individual priest about whom the complaint had been made; it is merely concerned with your relations with the Vatican and with Cardinal Pacelli, as he then was. Is that typical of your

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interference? Is this typical of your interferences for the sake of ill-treated priests?

A Of course, I do not remember this one special case, but the way it ispictured in this excerpt here, according to the notice, I said that we had no reason to show any special deference for the then State Secretary, rather, the Pope had attacked German justice, and for foreign political reasons I did not want to dampen our connections with Pacelli.

I can't quite see what conclusions you wish to draw from this.

Q Well, I don't want to trespass on the ground of my Soviet colleagues, but you know that the Czech report accuses you, with complete impartiality as far as sect is concerned, of your government ill-treating the Catholics, Protestants, Czech National Church and even the Greek Church in Czechoslovakia. You know that all these churches suffered during your protectorate. Do you agree that all these churches suffered under your protectorate?

A No, not at all; not at all.

Q All right, I won't go into the details, but I am suggesting to you that your care about the various religious confessions did not go very deep.

A That is an assertion which you are setting up which you cannot prove.

Q Well, I would just like to put one thing. You remember telling the Tribunal this morning of the excellent terms that you were on with the Archbishop of Prague?

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A Yes, I said that I maintained good connections with the Archbishop.

Q I would just like you to look at this.

SIR DAVID MAXWELL FYFE: My Lord, this is a copy, but General Ecer assures me that he can get the original from the Czech Government files. I only received it a half hour ago. General Ecer, who is here from Czechoslovakia, says that he can vouch for the original.

Q (Continuing) Defendant, I would like you to look at it. Is that a letter which you received from the Archbishop?

SIR DAVID MAXWELL FYFE: My Lord, it is D-920, and it will be GB-517.

Q (Continuing) "Your Excellency, very esteemed Herr Protector of the Reich:

"Your last letter has filled me with such sorrow because I was to learn from it that not even you, Your Excellency, want to believe me that I fell unconscious and had to call the Professor of the University, Dr Tirasek, who remained at my bedside for an hour. He will come again today, together with a specialist for internal diseases," And then he gives his name.

"Your Excellency may be convinced that I shall always do what I can to please you. Pray, however, have mercy on me and do not ask me to act against the laws of the Church.

"With the greatest esteem,

"Karl Kardinal Kaspar, Prince Archbishop."

Do you remember that?

A I cannot say just what this document is referring to. I have no idea at all; it doesn't say. I cannot say to what it refers.

Q You can't remember this occasion when the Prince Archbishop wrote to you and told you the effect, the illness that he had suffered from and beseeched you not to ask him to do something against the laws of the Church? It doesn't remain in your mind at all, does it?

A No, no,; I don,t know that.

Q Very well.

Well now, I want you to just tell me this, before we pass on to the later occurrences in 1937. You remember you dealt with your speech yesterday--

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I think it was to the German Academy of Law. You remember the speech, in August of 1937? I can give you a reference. Would you like to look at it?

A No. Please tell me where I was supposed to have made this speech.

Q Don't you remember? I will put it to you if you like. It is the speech of the 29th of August, 1937, and I will give you the reference in one moment.

What I wanted to ask you was this. You said: "The unity of racial and national will created through Nazism with unprecedented élan has made possible a foreign policy through which the bonds of the Versailles Treaty were slashed."

What did you mean by "the unity of racial will produced by Nazism?

A By that I meant, in all probability, that all Germans were unified more so thatn before. However, I really can't tell you at this time what I meant on that day. Apart from that, however, I just established and set down a fact in this speech.

Q Now tell me this. That was in August of 1937. You have told the Tribunal the effect that the words of Hitler, on the 5th of November, 1937, had upon you, and your counsel has put in the statement by Baroness von Ritter. After these words--

A (Interposing) In November?

Q Yes, November of 1937.

A Yes indeed.

Q Now, after these words had had that effect, with whom did you discuss them among the people who had

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been present at the Hoszback interview?

A A t Berchtesgaden? That is a mistake. This conference took place at Berlin rather than Berchtesgaden.

Q I didn't say Berchtesgaden; I said at the Hoszbach conference. We call it the Hoszbach conference because he took the minutes.

A I see. I have already testified with whom I spoke, Colonel-General von Fritsch, and with the then Chief of the General Staff, General Beck. I also testified that at that time we agreed to fight jointly against this tendency which Hitler had shown on this occasion.

Q Did you speak about it to Hitler?

A Yes! I testified to that in detail yesterday, that I only had occasion to speak with Hitler on the 14th or 15th of January, because he had left Berlin and I couldn't see him before he left. That was the reason why I asked for my resignation at that time; that was the reason.

Q Did you speak about it to Goering and Raeder?

A No, no.

Q I want you to just tell me one word or two about this secret Cabinet Council to which you were appointed after you left the Foreign Office.

Would you look at the first sentences of the report of that meeting on the 5th of November?

SIR DAVID MAXWELL FYFE: M y Lord, it is page 81 in the English document book 12, and page 93 of the German document book.

Q(Continuing) It is only the first two sentences, defendant:

"The Fuehrer stated initially that the subject matter of today's conference was of such high importance that its detailed discussion would certainly, in other states, take place before the Cabinet in full session. However, he, the Fuehrer, had decided not to discuss this matter in the larger circle of the Reich Cabinet because of its importance."

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Then, if you will look at the people who were there: There is the Fuehrer; the Minister for War; the three Commanders-in-Chief; and the Minister for Foreign Affairs.

Now, defendant, supposing that in February or March, 1938, Hitler had wanted to discuss Austria before the same Council, the same limited number of people. Just let us see who would have taken the places of the people who were there. Instead of von Blomberg and von Fritsch, you would have had the defendant Keitel as Chief of the OKW, and von Brauchitsch as Commander-in-Chief, would you not?

A. Yes.

Q As a matter of fact, Raeder and Goering maintained their positions; the defendant von Ribbentrop had taken yours; and you were the President of the Secret Cabinet Council. Lammers was Secretary of the Cabinet, and Goebbels had become more important as Minister of Propaganda.

Well now, I would just like you to look and see who the people were that formed the Secret Cabinet Council.

SIR DAVID MAXWELL FYFE: Your Lordship will find that on page 8 of document book 12; and it is page 7 of the German document book.

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Q Now, do you see who they are? There is the defendant von Ribbentrop, the defendant Goering, the Fuehrer's deputy, Hess, Dr. Goebbels, the Chief of the Reich Treasury, Lammers, von Brauchitsch, Raeder, and Keitel. You are saying, if I understand you, that this secret council had no real existence at all. Is that your case?

A Yes, yes.

Q Why were you receiving special funds for getting diplomatic information as president of the secret cabinet council?

A I did not receive any.

Q Oh, didn't you?

A No.

Q Well, let us just have a look at this. Would you look at Document 3945 PS?

SIR DAVID MAXWELL FYFE: My Lord, it is Page 129 in Document Book 12-A. It will be GB 518.

Q If you will look at the letter of the 28th of August, 193 from Dr. Lammers to you:

"In conformity with your request, I have had the sum of RM 10, -, which had been placed at your disposal for special expenses in connection with the obtaining of diplomatic information, handed to Amtsrat Koeppen.

"I enclose the draft of a certificate showing how the money was used, with the request to send me the certificate after execution, at the latest by the end of the financial year".

And if you will turn over to the next page, 131, you will see that at the end of March, which was toward the end of the financial year, you signed a certificate saying:

"I have received 'Ten thousand Reichmarks' from the Reich Chancellery for special outlay entailed in obtaining diplomatic information."

Now, will you tell us why you were getting special expenses for obtaining diplomatic information?

A Yes, I can tell you that. That is an expression used at

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the request of Lammers who had the Reich Treasury under his jurisdiction, so that I could meet the expenses of my office; that is, for one typist and for one secretary. And in order to justify myself, because I had no special department, Lammers suggested that I use this expression. There was a letter --

Q That is all right. I am going to refer to the other letters. But why was it necessary that the expenses of your one secretary and one typist should not be audited?

DIR DAVID MAXWELL FYFE: My Lord, the pages are 134 and 135.

THE WITNESS: I just said that.

BY SIR DAVID MAXWELL FYFE:

Q On Page 163 you will see there is a letter from you to Lammers:

"In my bureau there is a need to incur special expenses, to audit which it does not appear to me advisable."

Why wasn't it advisable to audit the expenses for your typist and secretary?

A At the moment, I cannot tell you that. But at any rate, I did not use any moneys for diplomatic information; but these expenses mentioned here are office expenses purely and simply, in the letter which you have submitted to me.

Q Well, now --

A Please, may I finish my statement?

Q Very well.

A It says here -- there is a report addressed to me, written by the secretary, in which he says -- No, this is not the lette I thought it was.

Q Well, now, if you are finished, I anticipated you might say it was office expenses. Would you look at 3958 PS?

SIR DAVID MAXWELL FYFE: My Lord, that will be GB 519.

BY SIR DAVID MAXWELL FYFE:

Q I submit that shows you your office expenses were carried on the ordinary budget, the letter of 8 April 1942 to you.

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THE PRESIDENT: Is that in the book?

SIR DAVID MAXWELL FYFE: My Lord, yes; I am so sorry. It is 140. I beg your lordship's pardon.

BY SIR DAVID MAXWELL FYFE:

Q That is a letter to you which says:

"The Reich Minister for Finance has agreed that the budgetary needs announced by you for the financial year 1942 be shown in Single Plan 1.

"I therefore have no objections to having the necessary expen diture granted -- even before the establishment of Single Plan 1 -- within the limits of these amounts, namely:

"for personal administrative expenditure up to 28,500 RM

"for official administrative expenditure up to 25,500 RM

"Total 54,000 RM".

That was providing for your office and personal expenditure during the same period for which you were getting these additional sums. So I am suggesting to you that these sums of 10,000 marks which you got every now and then were not for office expenditure, and I would like you to tell the Tribunal what they really were for.

A I would be very pleased if I should be told about this, for I do not know.

Q They are your letters, and you got the money. Can't you tell the Tribunal what you got it for?

A No, at the moment I cannot tell you. But perhaps I can tell you later.

SIR DAVID MAXWELL FYFE: My Lord. Dr. von Luedinghausen makes the point that the letter I put was in 1939. Of course, there were other letters. I have not troubled the Tribunal with each one, but there is another letter in which there is a reference to a payment on the 9th of May, 1941, and, of course, another reference to a payment on the 30th of June, 1943.

My Lord, these are Pages 133 and 134. I am sorry; I did not give the details. Perhaps I ought to have indicated that.

THE PRESIDENT: The letter on Page 137, which may have

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some bearing, is a letter from the man signed "K", from the man who made the previous applications?

SIR DAVID MAXWELL FYFE: Yes.

BY SIR DAVID MAXWELL FYFE:

Q Would you like to look at that, defendant? It is No. 3945 PS, a letter of the 14th of July, 1943, signed "K":

"When I went into the matter of the Private Fund, the competent people in the Reich Chancellery showed an entirely understanding attitude to this matter, and asked for a written application from Your Excellency. When I replied that I did not wish to bring about such an application before success was announced, they asked for a little longer for a further exchange of views. After a few days I received an intimation that I could bring about the application without hesitation, upon which I handed over the letter whic I had previously withheld. The amount requested has been handed to me today and I have duly entered this sum in my special cashbook as a Credit".

A Yes.

Q Does that help you? Can you tell the Tribunal what were the special outlays for the obtaining of diplomatic information for which you received this money?

A I am sorry; I just cannot recall this matter at all. And the remarkable part is that this letter is dated the 14th of July, 1943, when I had no activity whatsoever any more. At this moment, I cannot tell you.

Q That is very strange, you know. In a further letter, in 3958 PS, on 8 January 1943, and in succeeding letters on the 4th of March and the 20th of April, the end of your occupation of the premises of 23 Rheinbarben Allee is explained there and when your expenses ceased when you went to live in the country. I was just going to ask you a little about that house. If you will just look at the affidavit of Mr. Geist, the American consul -- My Lord, that is 1759 PS, USA Exhibit 420 -- I referred to this this morning -- the passage I want to tell you about is in the middle of a paragrap

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-- My Lord, it is at the foot of Page 11 of the affidavit of the English version.

THE PRESIDENT: Do you have the separate document?

SIR DAVID MAXWELL FYFE: Yes, My Lord, it is at the foot of Page 11. The paragraph begins: "Another instance of the same nature occurred with regard to my landlord --".

THE PRESIDENT: Yes.

SIR DAVID MAXWELL FYFE: My Lord, if your Lordship will go on another ten lines, after explaining about his landlord's having to give up his house to the SS, he says:

"I know that on many occasions where it was thought necessary to increase the pressure, a prospective purchaser or his agent would be accompanied by a uniformed SA or SS man. I know because I lived in the immediate neighborhood and know the individuals concerned, that Baron von Neurath, one time Foreign Minister of German got his house from a Jew in this manner. Indeed, he was my next door neighbor in Dahlem. Von Neurath's house was worth approximately 250,000 dollars."

BY SIR DAVID MAXWELL FYFE:

Q Was that 23 Rheinbarben Allee?

A Yes, yes.

Q Who acquired it for you, so that the president of the non-existent secret cabinet council could have it as an official resident? Who acquired it?

A I did not quite follow you. Who did what?

Q Who acquired 23 Rheinbarben Allee? Who get it?

A That is something I cannot tell you about. In the year 1937, when Hitler tried to put up the large buildings for his Reich Channcellery, one day he told me that I would have to move from my flat, which is right behind the Foreign Office, for he, Hitler, needed the garden for his Reich Chancellery. He told me that the house would be torn down.

He further told me that he had given instructions to the Reich Building Administration so that they would find other living quar-

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ters for me. That agency then suggested several places to me. The had expropriated Jewish mansion. But I turned all of them down.

Now, I personally had to go and look for a place to live, and my personal physician, to whom I mentioned this matter on occasion, and he told me that he knew of a place, No. 23, where he was the house physician to the owner. The owner of this property at 23 was Oberstleutnant Glotz, who was the brother of a close friend of mine I told the Reich Construction Administration about this, and told the officers to get in touch with the gentlemen involved. In the course of the negotiations, which were managed by the Reich agency, a contract of sale was brought about, and the price was in marks, not in dollars.

This sum, at the urging of Glotz, was handed over to him in cash, and on his wish this money was transferred to Switzerland. That is the way he wanted it, and I personally carried this through I do wish to state that I was foreign minister at the time.

Afterwards, I remained in this house for the simple reason that I did not find another one, and Mr. von Ribbentrop, my successor, moved into the old Reich President Mansion, Palais. Then in the year 1943, this house was destroyed. At the moment, I cannot explain to myself what the reason for these moneys was, whether they were official payments made by the Reich Chancellery. To the best of my knowledge, I cannot tell you. But the statements made by Mr. Geist here are completely wrong. I did not buy this house from a Jew, but I bought it from the Christian Oberstleutnant Glotz.

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Q You tell us you passed the money on to Switzerland on to his account?

A Yes, yes, or Mr. Geist went to Switzerland. I believe his wife was non-Aryan.

Q I would just like to put the next sentence and then I will leave this document. "I know, too, that Alfred Rosenberg, who lived in the same street with me, acquired a house from a Jew in a similar fashion." Do you know anything of that?

A I do not know how Mr. Rosenberg acquired his house.

Q Now, defendant, I want you to come now to the March of 1938. Perhaps I can state this shortly if I have understood you correctly. You know that the prosecution complained about your reply to the British Ambassador with regard to the Anschluss As I understand you, you are not now suggesting that your reply was accurate but you are saying that that was the best of your information at the time; is that right?

A Yes, that is quite correct. That was an incorrect statement but I made it in good faith because I didn't know any better.

Q You say that you didn't hear that neither Hitler nor Goering told you a word about these ultimata which were given first of all to Herr von Schuschnigg and secondly to President Miklas; you were told nothing about that? Is that what you are telling?

A No, at that time I didn't know about these things. I heard about them later.

SIR DAVID MAXWELL-FYFE: My Lord, I am going to leave that. I am not going into that incident in detail--we have been over that several times--in view of the way the defendant is not contesting the accuracy.

THE PRESIDENT: I should like to know when he heard of the true facts.

SIR DAVID MAXWELL-FYFE: I am much obliged.

BY SIR DAVID MAXWELL-FYFE:

Q When did you hear of the true facts of the Anschluss?

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A The details here, when this report of Legation Councillor Hewel was submitted to me, I heard, of course, prior to this time that there had been pressure exerted on Mr. Schuschnigg but I had nothing else. As I said, the details of the fact, I learned here in Nurnberg.

Q I only want to get it quite clear. You say that between the 11th of March and your coming to Nurnberg, you never heard anything about the threat of marching into Austria, which had been made by the defendant Goering, or Keppler or Gener Muff, on his behalf? You never heard anything about that?

A No, no; I heard nothing of these facts.

Q Then I do want to ask you about the assurances that you gave to Mr. Mastny, the Czechoslovakian Minister in Berlin. I would like you to look at document 122 which you will find in document book 12, page 122 of document book 12. The passage that I want to ask you about is in the sixth paragraph. After dealing with the conversation with the defendant Goering about the Czechoslovakian mobilization, it goes on to say: "M. Mastny was in a position to give him definite and binding assurances on this subject" -- that is, the Czechoslovakian mobilization -- "and today" --that is, the 12th of March -- "spoke with Baron von Neurath, who, among other things, assured him on behalf of Herr Hitler that Germany still considers herself bound by the German-Czechoslovak Arbitration Convention concluded at Locarno in October 1925."

Now, you have told the Tribunal--we have had the evidence of Baroness von Ritter--that the meeting on the 5th of November had this very distrubing effect on you and in fact produced a bad heart attack. One of the matters that was discussed at that meeting was an attack not only on Austria but also on Czechoslovakia, to protect the German flank. Why did you think, on the 12th of March, that Hitler would ever consider himself bound by the German-Czechoslovakian Arbitration Treaty which meant that he would have to refer any dispute with Czecho-

H0165-0079

slovakia to the Council of the League of Nations or the International Court of Justice? Why on earth did you think that that was even possible, that Hitler would submit a dispute with Czechoslovakia to either of these bodies?

A I can tell you that quite exactly. I testified yesterday already that on the 11th, Hitler had me summoned to him for reasons that I could not explain up to this day and he told me that the marching into Austria was to take place during the night. In reply to my question or to my remark rather, that distrubance and unrest would be created in Czechoslovakia through this step, he said that he had no intentions of any kind at this time toward Czechoslovakia and he said he hoped through the marching in and through the occupation of Austria, relations with Czechoslovakia would markedly improve. From this sentence and from his promise that nothing would be done, I concluded that matters would remain as they were and that, of course, we were still bound to this treaty, this Arbitration Treaty of 192 5; therefore, I could give assurances of that kind in good faith to Mr. Mastny.

Q Did you believe a word that Hitler said on the 12th of March? Did you still believe the words that Hitler stated on the 12th of March 1938?

A Yes, yes, still at that time.

Q I thought von Fritsch was a friend of yours; wasn't he?

A Who was that?

Q Colonel General von Fritsch; he was a friend of yours?

A Yes, indeed; yes, he was.

Q You didn't believe that he had been guilty of homosexuality, did you?

A No, not at all, at no time.

Q Well, didn't you know that he had been subjected in January 1938 to a framed-up charge?

THE PRESIDENT: Will you please answer instead of shaking your head.

THE WITNESS: Yes, I knew that, of course, and I learned

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of it and the fact that this was trumped-up and faked by the Gestapo and not by Hitler.

BY SIR DAVID MAXWELL-FYFE:

Q Well, didn't you know that these unsavory matters concerning Fieldmarshal von Blomberg and Colonel General von Fritsch had been faked up by members of the Nazi gang, who were your colleagues in the government?

A. The details were unknown to me, of course.

Q You see, you remember that at the time of Munich, when you came back into activity for some time, President Benes did appeal to this German-Czechoslovak Arbitration Convention and Hitler brushed the appeal to one side. Do you remember that in September 1938 he brushed it to one side?

A No; that, I don't know, for at that time I was not in office any longer and I didn't even see these matters at all.

Q You don't know? Of course, it was in the German press and every other press that he appealed to about this treaty and Hitler refused to look at it; but you say that you honestly believed on the 12th of March that Hitler would stand by that Arbitration Treaty; that is your answer?

A Yes, I had no misgivings.

SIR DAVID MAXWELL-FYFE: My Lord, that might be a convenient moment to break off.

(A recess was taken.)

BY SIR DAVID MAXWELL FYFE:

Q. Defendant, you spoke yesterday with regard to the memorandum of Lt. General Frederici. Do you remember in that memorandum he referred to a memorandum of yours on how to deal with Czechoslovakia?

A. Yes.

Q. Well, now, I would like you just to look at Document 3859, so that the Tribunal can see your attitude towards the Czechs from your own words.

SIR DAVID MAXWELL FYFE: My Lord, that is at Page 107 of Document Book 12-A.

Q. (Continuing) I will read first your letter to Lammers of the 31st of August, 1940.

SIR DAVID MAXWELL FYFE: My Lord, that will be GB 520.

Q. (Continuing) You say: "Dear Herr Lammers: Englosed I send you the memorandum, which I mentioned in advance in my letter of the 13th July 1940, about the question of the future organization of the Bohemian-Moravian country. I enclose another memorandum on the same question, which my Secretary of State K. H. Frank, has drawn up independently of me and which, in its train of thoughts, leads to the same result" -- I ask you to note the next words -- "and with which I fully agree. Please present both memoranda to the Fuehrer and arrange a date for a personal interview for myself and Secretary of State Frank. As I have heard from a private source that individual Party and other Offices intend to submit proposals to the Fuehrer for separating various parts of the Protectorate under my authority, without my knowing these projects in detail, I should be grateful to you if you would arrange the date for my interview early enought for me, as the competent Reich Protector and one who understands the Czech problem, to have an opportunity, together with my State Secretary, to place our opinions before the Fuehrer before all sorts of plans are suggested to him by other people."

Now I would just like to take what I think is the just of your own memorandum. If you will turn it over -- this is your memorandum. Take the first paragraph, Section 1: "Any considerations about the future organization of Bohemia and Moravia must be based on the goal which is to be laid down for

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that territory from a political and national-political point of view. From a State-political standpoint there can be but one aim; total incorporation into the Greater German Reich; from a national-political standpoint to fill this territory with Germans." And then you point to the program, and if you go on to Section 2, in the middle of Paragraph 2, you will find a sub-paragrap beginning --

SIR DAVID MAXWELL FYFE: My Lord, it is the top of Page 109, Your Lordship's copy.

Q. (Continuing) "These 7.2 million Czechs, of whom 3.4 millions live in towns and communities of over 2000 ibhabitants and 3.8 millions in communities of under 2000 inhabitants and in the country, are led and influenced by an intelligentsia which is unduly puffed up in proportion to the size of the country. This part of the population also tried, after the alteration of the constitutional situation of this area, more or less openly to sabotage or at any rate postpone necessary measures which were intended to fit the circumstances of the country to the new state of affairs. The remainder of the population, i.e. small craftsmen, peasants and workmen, adapted themselves better to the new conditions."

Then, if you will go on to Paragraph 3, you say: "But it would be a fatal mistake to conclude from this that the government and population behaved in this correct manner because they had accepted inwardly the loss of their independent state and incorporation into Greater Germany. The Germans continue to be looked upon as unwelcome intruders and there is a widespread longing for a return to the old state of affairs, even if the people do not express it openly. By and large, the population submits to the new conditions but they only do so because they either have the necessary rational insight or else because they fear the consequences of disobedience. They certainly do not do so from conviction. This will be the state of affairs for some time to come."

Go on to Section 3: "But as things are like that, a decision will have to be taken as to what is to be done with the Czech people in order to attain the objective of incorporating the country and filling it with Germans as quickly as possible and as thoroughtly as possible. 1) The most radical and

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theoritically complete solution to the problem would be to evacuate all Czechs completely from this country and replace them by Germans." Then you say that that is not possible because there are not sufficient Germans to fill it immediately.

Then, if you go on to Paragraph 2 on the second half, you say:--

SIR DAVID MAXWELL FYFE: My Lord, that is the last six lines of Page 110.

Q. (Continuing) "It will, where the Czechs are concerned, rather be a case of the one hand, of keeping thos Czechs who are suitable for Germanization by individual selevtive breeding whilst on the other hand, expelling those who are not useful from a racial standpoint or are enemies of the Reich, that is, the intelligentsia which has developed in the last twenty years. If we use such a procedure, Germanization can be carried out successfully." Now, Defendant, you know that in the indictment in this trial we are charging you and your fellow defendants, among many other things, with genocide, which we say is the extermination of racial and national groups or, as it has been put in the well-known book of Professor Lemkin, "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups with the aim of anihilating the groups themselves." What you wanted to do was to get rid of the teachers and writers and singers of Czechoslovakia, whom you call the intelligentsia, the people who would hand down the history and traditions of the Czech people to other generations. These were the people that you wanted to destroy by what you say in that memorandum, were they not?

A. Not quite.

Q. But just before you answer, what did you mean by saying, in the last passage that I read to you: "expelling those who are not useful from a racial standpoint or are enemies of the Reich; that is, the intelligentsia which has developed in the last twenty years"? Did you mean what you said? Were you speaking the truth when you said it was necessary to expell the intelligentsia?

A. To that I can only say one thing, yes and no. First of all, I should like to say that from this report it becomes apparent that the memorandum was written by Frank. I joined my name to it and this was on the 31st of August,

1940. The memorandum which is referred to in the Frederici report is dated later I think, although I don't know offhand.

Q. I think you will find -- I will give you, in a moment, the letter from Siemke, who transmits Hitler's view, and I think you will find that it is this memorandum that Hitler is dealing with. I will show you Frank's memorandum in a moment. I am suggesting to you now, as you say, to Lammers, that you enclose your memorandum and you enclose another memorandum, of which I will read you the essential part in a moment, which is the memorandum of Karl Hermann Frank. But this is a --

A. They are both Frank's memoranda.

Q. No, but look at your own letter of the 31st of August: "Enclosed I send you the memorandum", and you go on: "I enclose another memorandum --- which my Secretary of State K.H. Frank has drawn up independently of me ---- with which I fully agree." I am suggesting to you now that this is your memorandum referred to in the Frederici document, --

SIR DAVID MAXWELL FYFE: My Lord, that is Page 131 of Document Book 12.

Q. (Continuing) -- where General Frederici says: "After ample deliberation the Reich Protector expressed his view about the various plans in a memorandum." I am suggesting to you that this is your memorandum which you sent on to Lammers for submission to the Fuehrer. Are you really going to tell the Tribunal that this isn't your memorandum?

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A No, I don't want to say that at all. At the moment I really don't know. I didn't write it, but I obviously agreed with its contents. The letter to Lammers says so.

Q Well now, if you agreed with its contents, what did you mean by saying that you would have to expel the intelligentsia, except that you were going to break down the Czechs as a national entity and expel the people who would keep going that history and tradition and language? Isn't that why you wanted to expel the intelligentsia?

A I never mentioned the word "destroy".

Q I said "expel" --

A I see.

Q -- which is your own word.

A The intelligentsia were the most outstanding obstacle to German-Czech cooperation. For that reason, if you were to achieve your target, the target of our policy, then the intelligentsia would have to be reduced and their influence would have to be diminished in some way or other, and that was the aim of my explanation.

Q Yes, you said you achieved your policy, but by "achieving your policy you meant to destroy the Czech people as a national entity with their own language, history and traditions, and assimilate them into the Greater German Reich. That was your policy, wasn't it?

A My policy was, first of all, to coordinate the Czechs, assimilate the Czechs, as far as possible. They would have assimilated themselves too, quite automatically, but that was an aim which could only be achieved after generations. First of all, the immediate aim was to create cooperation and collaboration, so asto have quiet and order.

Q Well, before I put to you the memorandum of Frank with which you entirely agree, would you look at paragraph 7 of your own memorandum.

SIR DAVID MAXWELL-FYFE: My Lord, it is page 113 of Document Book 12-A.

Q (Continuing): In Section VII you say:

"If one considers the gigantic tasks facing the German nation after a victorious war, the necessity for a careful and rational utilization of Germans will be apparent to everyone. There are so many tasks that have to be tackled

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at once and simultaneously that a careful, well thought out utilization of the Germans who are suitable for carrying out these tasks is necessary. The Greater German Reich will have to make use of the help of foreigners on a large scale in all spheres and must confine itself to appointing Germans to the key positions and to taking over the reins of public administration where the interests of the Reich make it absolutely necessary."

You were, in this memorandum, blueprinting the plans for dealing with the Czechs after the war on the basis of the German victory, that is, that they should disappear as a nation and become assimilated to the German Reich. Wasn't that what was in your mind?

A To make the Czechs disappear as a nation was altogether impossible. That wasn't possible at all. But they were to be assimilated as far as possible, and that is what I mean when I use the word "assimilate".

In this memorandum, incidentally, there is a full scale explanation of the fact that from the racial point of view -- if you want to use that unpleasant expression -- there are a large number of German elements within Czechoslovakia also.

Q Well now, just turn over and see how your State Secretary's memorandum with which you entirely agree, runs.

SIR DAVID MAXWELL FYFE: My Lord, your Lordship will find the beginning of that is Enclosure No. 2 on page 115.

Q (Continuing): The State Secretary states his problem. He says, in the second sentence:

"The question as to whether the Protectorate, with a Reich Protector as its head, is suitable for settling the Czech problem and should therefore be retained or whether it should give place to some other form of government is being raised by various people and is the cause of this memorandum. It will briefly

"(a) Indicate the nature of the Czech problem;

"(b) Analyze the present way in which it is being dealt with;

"(c) Examine the proposed alterations from the point of view of their suitability, and finally

"(d) Express an independent opinion on the whole question."

Well now, I would like you just to look at your State Secretary's independ

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opinion with which you entirely agree.

THE PRESIDENT: Oughtn't you to read the last two lines?

SIR DAVID MAXWELL FYFE: Oh yes, my Lord, I'm sorry.

"On a correct decision depends the solution of the Czech problem. We thus bear the responsibility for centuries to come."

Now, my Lord, Frank's own opinion starts on page 121 in Section D of the memorandum, and he begins by saying:

"The aim of Reich policy in Bohemia and Moravia must be the complete Germanization of area and people. In order to attain this, there are two possibilities:

"I. The total evacuation of the Czechs from Bohemia and Moravia to a territory outside the Reich and settling Germans in the freed territory, or

"II. If one leaves the majority of the Czechs in Bohemia and Moravia the simultaneous application of a great variety of methods working towards Germanization, in accordance with a plan containing a target year.

"Such a Germanization provides for:

"1. The changing of the nationality of racially suitable Czechs;

"2. The expulsion of racially unassimilable Czechs and of the intelligentsia who are enemies of the Reich, or 'special treatment' for these and all destructive elements;

"3. The recolonizing of the territory thus freed with fresh German blood."

BY SIR DAVID MAXWELLFYFE:

Q Now, I want you just to turn to where your State Secretary gets down to concrete suggestions as to this policy of Germanization. Remember that you entirely agree, in your letter to Lammers.

SIR DAVID MAXWELLFYFE: If your Lordship will turn to page 123, there is a heading "Yough".

Q (Continuing): "Fundamental change in education - Extermination of the Czech historical myth."

That is the first point: Destroy any idea they might have of their great history, from the time of St. Wenceslaus, nearly a thousand years ago. That is your first point.

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"Education towards the Reich idea - No getting on without perfect knowledge of the German language - First doing away with the secondary schools, later also with the elementary schools - Never again any Czech universities, only transitionally the 'Collegium Bohemicus' at the German university in Prague - two years compulsory labor service.

"Large scale land policy, creation of German strongpoints and German bridges of land, in particular pushing forward of the German national soil from the north as far as the suburbs of Prague.

"Campaign against the Czech language, which is to become merely a dialect as in the 17th and 18th centuries, and which is to disappear completely as an official language.

"Marriage policy after previous racial examination.

"In attempts at assimilation in the Reich proper, the frontier Gaus must be excluded.

"Apart from continuous propaganda for Germanism and the granting of advantages as an inducement, severest police methods, with exile and 'special treatment' for all saboteurs. Principle: 'Pastry and whip'."

What is that? "Zucker, Brot, und Peitsche".

"The employment of all these methods has a chance of success only if a single central Reich authority with one man at its head controls its planning, guiding, and carrying out. The direct subordination of the 'master in Bohemia' to the Fuehrer clarifies the political character of the office and the task, and prevents the political problem from sinking down to an administrative problem."

In other words, it was an essential to this policy that you should keep your job as Reich Protector and Frank should keep his as State Secretary, and the Gauleiter of the Lower Danube shouldn't be able to interfere and take away Braunau as the capital of his Gau.

Defendant, do you tell this High Tribunal, as you told Dr. Lammers, that you entirely agree with what I suggest to you were dreadful, callous, and unprincipled proposals? Do you agree with these proposals?

A No, I do not agree in the least.

Q Well, why did you tell Lammers you did? Why, when things were goin

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well, did you tell Lammers that you did agree with them?

A Later, I did report to the Fuehrer myself, and apart from that, the statements which you just made show quite clearly that this first memorandum w written by Frank, who then added the second memorandum to it, and if you say, as you said at the end just now, that to achieve this it was my purpose to remain in office as Reich Protector, then I can only tell you that the purpose in this connection was that Frank was trying to become Reich Protector.

However, from the point of view of the contents of this memorandum, I can certainly no longer identify myself with them today, and on the occasion when I reported to the Fuehrer I didn't identify myself with these contents either, which becomes clear from the testimony which I gave yesterday, because that is just the --

Q (Interposing): I am concerned with what you wrote in 1940 when you wrote -- and I will read the words again; I have read them three times:

"I enclose another memorandum on the same subject question which my Secretary of State, K. H. Frank, has drawn up independently of me" -- "independ ently of me" -- "and which in its train of thought leads to the same result, a with which I fully agree."

Why did you --

A (Interposing): I have just now told you that I can no longer agree with the contents today, and that at the time when I verbally reported to the Fuehrer, I did not adhere to these statements either, but to the contrary, I made a statement as I explained yesterday, to which I received his agreement. Those were my proposals which I made further at the time.

THE PRESIDENT: Sir David, are these documents correctly copied? You see that in the letter of the 31st of August 1940 there is a reference in the margin, "Enclosure 1; Enclosure 2".

SIR DAVID MAXWELL FYFE: Yes, my Lord.

THE PRESIDENT: Therefore, the letter identifies the document.

SIR DAVID MAXWELL FYFE: Yes, my Lord, that is so. The one is, as I am suggesting, the defendant's; the other is Frank's.

THE PRESIDENT: Yes.

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BY SIR DAVID MAXWELL FYFE:

Q You have mentioned, defendant, that you dealt with them otherwise to the Fuehrer. I suggest to you that that is not true, that is not true that you dealt with them otherwise to the Fuehrer. I am putting it quite bluntly that it is not true.

A In that case I must regret to say that you are lying. I must know whether I talked to the Fuehrer and what I personally, orally reported to him and without Frank.

Q Well now, let us just look at the report, at your report. Your Lordship will find it on page 7.

We will see whether it is true or not.

THE PRESIDENT: Page what?

SIR DAVID MAXWELL FYFE: Page 7. It is document 379 of the same book, GB 521.

Now, this is a memorandum, a secret memorandum of the representative of the Foreign Office in the Office of the Reich Protector of the 5th of October.

BY SIR DAVID MAXWELL FYFE:

Q You will remember your letter was the 31st of August. It says: "Regarding the reception of the Reich Protector and Secretary of State Frank by the Fuehrer, I have learnt the following from authentic sources:

"To begin with, the Minister of Justice, Gurtner, gave a report on the Czech resistance movement, during the course of which he maintained that the first trial of the four chief ring leaders would shortly take place before the People's Court.

"The Fuehrer objected to this procedure and declared that execution squads were good enough for Czech insurgents and rebels. It was a mistake to create martyrs through legal sentences, as was proved in the case of Andreas Hofer and Schlageter. As this matter had already entered the path of legal procedure it was to be continued within this form. The trials were to be postponed until after the war, and then amidst the din of the victory celebrations, the proceedi ng would pass unnoticed. Only death sentences could be pronounced, but would be commuted later on to life imprisonment or deportation.

"Regarding the question of the future of the protectorate, the Fuehrer touched on the following three possibilities:

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"1. Continuation of Czech autonomy in which the Germans would live in the protectorate as co-citizens with equal rights. This possibility was, however, out of the question as one had always to reckon with Czech intrigues.

"2. The deportation of the Czechs and the Germanization of the Bohemian and Moravian area by German settlers. This possibility was out of the question too, as its execution would take a hundred years.

"3. The Germanization of the Bohemian and Moravian area by Germanizing the Czechs, that is, by their assimilation. The latter would be possible with the greater part of the Czech people. Those Czechs against whom there were racial objections or who were anti-German were to be excepted from this assimilation. This category was to be weeded out.

"The Fuehrer decided in favor of the third possibility; he gave orders via Reich Minister Lammers, to put a stop to the multitude of plans regarding partition of the protectorate. The Fuehrer further decided that, in the interests of a uniform policy with regard to the Czechs, a central Reich authority for the whole of the Behemian and Moravian area should remain at Prague.

"The present status of the protectorate thus continues."

And look at the last sentence:

"The Fuehrer's decision followed the lines of the memoranda submitted by the Protector and Secretary of State Frank."

Now defendant, although you answered me so sharply a moment ago that document says that after the reception of the Reich Protector and the Secretary of State, the representative of the Foreign Office in your office says that the decision of the Fuehrer followed the lines of the memoranda put forward by you and your State Secretary Frank. Why do you say that I am wrong in saying it is untrue; that a different line was followed by the Fuehrer? It is set out in that document.

A To that I have to give the following reply:

First of all, the document shows that the Fuehrer touched upon the following three questions with reference to the protectorate and they are the three possibilities which I had mentioned and proposed. The document also shows, though not directly, that the cause for this Fuehrer conference had

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been quite a different one originally than only the protectorate. The Minister of Justice was present and a legal question referring to the members of the resistance movement was the cause for the discussion and Frank went to join it.

I had been to Berlin before that and I talked to the Fuehrer not about the memorandum, which I had in my hand, but about the general tendencies and the future of our policy in the protectorate. I had reported to him those proposals which are contained here under one, two and three. At the end it says:

"The Fuehrer's decision followed the lines of the memoranda submitted by the Protector and Secretary of State Frank."

That remark was added by Dr. Ziemke or whoever had written the document but what I said yesterday about the policy that is what is true and even if I have to admit that in the letter of Lammers I did identify myself with the points, it was nevertheless dropped.

Q Well, I want to remind you that in the passage which I referred to last in your memorandum, as opposed to that of Frank, you were putting forward the organization of the Greater German Reich. I take it in this way, that you envisaged yourself that in the event of a German victory in the war the Czech part of Czechoslovakia would remain part of a Greater German Reich.

A No, I beg your pardon. It had already been included and it says specifically here that it should remain in that condition as a protectorate but as a separate structure.

Q Well now, are you saying that your policy, after this period — this was in the autumn of 1940 — that your policy towards the Czechs was sympathetic.

A I do not think it changed except when there were strong resistance movements in the area.

Q Well now, why was it that you forbade any reference to the discussion of the handling and treatment of all questions about the German Czech problem? Why did you forbid their discussion?

A To prevent these problems from arising again and again which were the causes for this memorandum, namely the problem of individual

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parts of the protectorate being torn away, the Sudeten country. That was the purpose of the report to the Fuehrer, as I explained yesterday, so as to put a stop to that discussion once and for all.

Q But you particularly prohibited, did you not, any public statements addressed to the Czech population? Let us look at the document.

It is document 3862 PS -- your Lordship will find it at page 126 of document book 12a. My lord it is GB 522.

It is for distribution through your various office and you say:

"For the motive stated, I order that in future, when arrangements and publications of any kind concerning the German Czech problem are made, the views of the whole population are more than ever to be directed to the war and its requirements while the duty of the Czech nation to carry out the war tasks imposed on it jointly with the Greater Reich is to be stressed.

"Other questions concerning the German Czech problem are not suitable subjects for public discussion at the present time. I wish to point out that, without detriment to my orders, administrative handling and treatment of all questions about the German Czech problem are to be in no way alluded to."

Then the last paragraph:

"Requisite public statements about the political questions of the protectorate and in particular those addressed to the Czech population are my business and mine alone and will be published in due time."

Why did you want to prohibit so severely the addressing of any public statements to the Czech population?

A That is not only to the Czech population, but especially to the German, particularly because there was some special event which I can no longer remember and it says here -- for causes and for the reason for which this has arisen.

Once again the future of the protectorate was spoken about. Your proposals and Frank's speak for themselves. I want you to help me on one other matter.

Do you remember after the closing of the universities that the question arose what was to happen to the students? There were about eighteen thousand students who were, of course, out of work because they could not --

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A I beg your pardon, just a minute. There were not so many. The maximum was eighteen hundred, all told.

Q No -- with the greatest respect I think you are wrong or your office. According to the note from group 10 of your office:

"According to the data at my disposal the number of students affected by the closure --" I should think that would include high schools as well -- "for three years of the Czech universities is 18,998.

"According to the press communications, dated the 21st of this month only 1200 persons were arrested in connection with the events of the

And then your office goes on to say by a process of subtraction that leaves 17,800. You were faced with their occupation.

SIR DAVID MAXWELL FYFE: MyLord, it is page 104, document 3858, GB 523.

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A I don't want to deny my official's statement. He must have known better than I, I but I am merely surprised that there should have been 18,000 students in two Czech universities, considering that this was a country with a population of 7,000,000.

THE PRESIDENT: Hadn't you better check that by the original?

SIR DAVID MAXWELL FYFE: My Lord, I shall. I am much obliged to Your Lorship.

Well, My Lord, it is quite clear that both figures -- They are in figures, and they are 18, 998, and then there is the check below, and you have to take 1200 off. That leaves 17,800. My Lord, if it were only 1800, the second figure co could not arise.

DR. VON LUDINGHAUSEN: Mr. President, somewhere there must be an error. This would mean that there would be more students per university in Czechoslovakia than there were in Berlin at the best of times. There were a maximum of 8,000 to 9,000 and then here, in the case of a nation of only 7,000,000 there are supposed to be 18,000 students in two universities. This can not be right.

SIR DAVID MAXWELL FYFE: My Lord, it may be that there are three age groups. Your Lordship sees that it is "according to the data at my disposal, the number of students affected by the closure for three years is 18.000." It may be the intake for two years, in addition to present students.

BY SIR DAVID MAXWELL FYFE:

Q At any rate, this is the figure, and it is this problem that has been dealt with by your ministry. It may be that it includes certain high schools, but at any rate, these are your ministry's documents, and I want to know what happened. This was a minute, as I understand it, from Dr. Dennler, who was the head of Group 10 of your office, to Burgdorff, who had a superior position, and, if I may summarize it, the letter of 21 November 1939 suggests that the students should be taken forcibly from Czechoslovakia to the old Reich and put to work in the old Reich, and then, on 25 November, you will notice that the paragraph 2 it says -- The writer, who is Burgdorff, is saying that he is dealing with X119/39, which is Dennler's memorandum, and Burgdorffs says that he does not want them to go into the Reich because at that time there was some unemployment in the Reich, and he suggests that they should be dealt with my compulsory labor on the roads and canals in Czechoslovakia. Now, these were tweo proposals in your office.

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SIR DAVID MAXWELL FYFE: My Lord, the second one is 3857-PS, which will be GB 524.

BY SIR DAVID MAXWELL FYFE:

Q What happened to the unfortunate students?

A Nothing at all happened to them.

Q Did either of these proposals of Dr. Demnler for forced labor in the Reich of Burgdorff for forced labor in Czechoslovakia, did they come up to you?

A Neither - -

Q Did they come to you for decision?

A I think they were put before me, but I can not tell you for certain.

Q Well, will you agree with me -- or perhaps you will be able to correct my knowledge -- that this is the earliest suggestion -- you said it was not put into effect -- but the earliest suggestion of forced labor came from an officer of your department? Do you know of any other department of the Reich that had suggested forced labor as early as November 1939?

A There is no interconnection, and if you were to look through suggestions made by all your subordinates, then you would no doubt find that there might be one or another suggestion that you had to turn down. A suggestion made by some official does not mean anything at all.

Apart from that, I can possibly clear up this figure of 18,000. Here it says, "According to the documents at my disposal, the figure which will be involved through closing of the universities for three years will be 18,000." It is, therefore, three times 6.000, which is approximately 18,000.

Q I had already put forward that suggestion, defendant, about ten minutes ago, but I respectfully agree with you. That is one matter in which we are not in difference.

Well, now, you anderstand what I am suggesting. It is that these proposals germinated in your office because they were quite in keeping with the proposals in the memoranda which I have just read to the Tribunal that you should not only get rid of Czech higher education, but you should have forced labor. Do you remember that was in the State Secretary's memorandum? What I am suggesting is that it was in your department -- the idea of forced labor -- as early as 21

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Now, defendant, I have only one other matter, and I hope, as it is a question of fact, that you will perhaps be able to agree with me on reflection. You suggested this morning that the German University in Prague was closed down after the founding of Czechoslovakia after 1919. That is how it came to us. On reflection, do you not know that it continued and that many thousands of students graduated in the German University of Prague between 1919 and 1939 ?

A: Yes, I know. It was a sub-department of the Czech University, a German part of the Czech University, as far as I know.

Q But it continued as a university ?

A Yes, it continued, but it was Czech.

Q But German students came there and could take their degrees in German? It was a permitted language ? I suggest to you that there are thousands of people who went there from Austria and from the old Reich-- went there as Germans and took their degrees in German.

A Yes, but the old German University, the so-called Charles University, had been closed down by the Czechs, but there were some German department that remained, and there Germans studied.

Q I think the point is clear. I am not going to argue about the actual thing, but there was a German University, where German university students could study, you will agree.

THE PRESIDENT: Do the Prosecution wish to cross-examine further ?

BY MAJOR GENERAL RAGINSKY:

Q Defendant, tell us please when you were Minister of Foreign Affairs, did Rosenberg try to intervene in the foreign affairs of Germany ?

A Is that a question ?

Q Yes, that is a question.

A Yes, yes.

Q Would you please tell us in what form this intervention took place ?

A By communicating to the Fuehrer his own foreign political thoughts, without giving them to me for consideration.

Q All right. Yesterday you stated here that in 1936 you had differences of opinion with Hitler and that in July you asked to be relieved of your duties as a minister. This document was brought here, but did not you write to Hitler --

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and I will read the last sentence of your letter to him :

"It would be better if I were not a minister, but I am always at your service, whenever you wish my advice and experience in the field of foreign affairs."

Did you write these words in your letter to the Fuehrer ?

A Yes, Yes, I did.

Q And did you fulfill the promises you made to Hitler at a time when it was necessary to cover by diplomatic manipulations the aggressive actions of Hitler, during the invasion of the Sudetenland and so on ? Did you help Hitler ? Is that right ?

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A: That is quite a mistake. On the contrary, as I stated her yesterday and today, I was called by Hitler once, and that was on the last day of the Austrian Anschluss. With that my activities came to an end. In 1938, on the other hand, I went to see him, to stop him from starting the war. That was my testimony.

Q: I would like to ask you another question concerning the memorandum of Frederici without repeating what has already been said here concerning it. You remember this memorandum well, as it was just presented to the Court a short time ago. In the last sentence of the memorandum of Frederici it is stated that if the direction of the Protectorate is placed in reliable hands and is guided by the order of the Fuehrer of the 16 th of March, the territory of Moravia will become a part of German territory. It was for this purpose that Hitler chose you to be Protector; isn't that so ?

A: Not a bit; that was not the reason at all. I described the reason in detail yesterday.

Q: All right. We shall not repeat the causes, we have spoken about them yesterday.

Well, you deny that you were precisely the man who was supposed to carry through the invasion of Czechoslovakia ?

A: Is that supposed to be a question ?

Q: Yes, that is a question.

A: To that I can only answer by saying "no".

Q: All right. Do you admit that you were, in the Protectorate, the representative of the Fuehrer and of the Government of the Reich, and that you were directly subordinate to Hitler ?

A: Yes, that is right; it says so in Hitler's decree.

Q: Yes, it is stated there. I will not read this decree, in order not to waste time. This decree has already been presented to the Court.

Do you acknowledge that all institutions under the authority of the State, with the exception of the armed forces, were obedient to you and were under your leadership ?

A: No. I will have to tell you that this, unfortunately, is a mistake. Again, you will find it in the same decree, dated the 1st of September, 1938. Apart from that,

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there were numerous other organizations and Reich authorities which were not under my jurisdiction; that is, quite apart from the police.

Q: Well, as far as the police are concerned, we will speak about the separately. However, do you think it is a mistake that the decree does not mention it, or do you interpret the decree otherwise ?

I shall read the first paragraph of the decree of the 1st of September. It is stated there that all the institutions in the Protectorate of Bohemia and Moravia, with the exception of the armed forces, are subject to the Protector for the Reich. It is also stated that the Protector supervises everything, and that the Protector is to supervise all the administrative activity in the area.

As you see, it is stated very bluntly here that all the institutions of the Reich were subordinate to you, while you were subordinate to Hitler.

A: To begin with, I shall have to tell you that as to administrative organization, yes; but there were a number of other institutions and departments under the Reich which did not come under my juridiction. For instance, the Four Year Plan.

Q: Now let us pass to the question of the police.

Yesterday, in answer to a question of your counsel, you stated to the Tribunal that as to this decree of September 1st, signed by Goering, Frick, and Lammers, paragraph 13 was not applicable to you. Let us examine other paragraphs of the same chapter concerning the police.

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Paragraph 11 says that the Security Police in the Protectorate of Bohemia and Moravia have to investigate hostile expressions of the population of the Protectorate, inform the Protector for the Reich as well as the subordinate organizations, keep them posted on important events, and advise them as to what to do.

Paragraph 14 of the same decree states that the Minister of the Interior of the Reich, the Reichsfuehrer SS, and the Chief of the General Police are to issue legal measures with the knowledge of the Protector of Bohemia and Moravia.

Thus, according to this decree, the police and the SS were obliged to let you know about all their measures and, in addition to this, all their administrative and legal acts and measures had been carried out with your knowledge. Do you acknowledge that?

A No; that is not true. First of all, there was an order that they should have informed me, but that was not carried out. Then, a second regulation said that these preventive measures -- or whatever the language was in the document -- were to be carried out with my approval. However, that was never applied.

Q So you deny it ?

A Yes.

Q I now present to you the testimony of Karl Herman Frank, of March 7, 1946, on this very question ; that is, on the question of the police and to whom it was subordinated.

MAJOR GENERAL RAGINSKY : Mr. President, I present this testimony as USSR EXHIBIT No. 494.

THE PRESIDENT : Is this in the English book as well, do you know ?

MAJOR GENERAL RAGINSKY : No, Mr. President. This document that I am presenting now is an original, signed by Frank.

BY MAJOR GENERAL RAGINSKY :

Q Karl Hermann Frank, during an interrogation, testified :

" According to the order on " The Structure of the German Administration in the Protectorate and the German Security Police ", all German authorities and institutions, with the exception of the

armed forces of the Protectorate, as well as all the Police, were formally subordinated to the Reich Protector and were under obligation to fulfill his orders. Owing to this, the Security Police was to carry out a principal political policy set forth by the Reich Protector. Orders as to carrying out State-political measures were mainly issued by the Central Office of State Security in Berlin through the Head of the Security Police.

" If the Reich Protector wanted to carry out some state police measures he had to have the permission of the Central Office of State Security in Berlin ; that is, in this case the State Police also submitted each order for approval to the Central Office of State Security in Berlin. The same was true of directives aimed at carrying out State Police measures. These directives were given to the head of the Security Police by the Supreme Fuehrer of the SS and Police. "

I would like to draw your attention to this paragraph that I am reading now :

" This system of subordination and issuing of directives remained in force during the whole existence of the Protectorate and was used as such by von Neurath in the Protectorate. In general the Reich Protector could, on his own initiative, issue directives to the State Police through the head of the Security Police. However, if these measures were in any way connected with state or political matters, the approval of the Central Office of State Security had to be obtained for carrying them out.

" In regard to the Sd--Security Service -- which had

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executive powers, the authority of the Reich Protector respecting the issuing of directives to the SD was greater and in no case subject to the approval of the Reich Central Office of State Security."

Do you confirm this testimony of Frank?

A No.

Q No, you do not confirm it?

A All right.

A I refer you to testimony of the same Frank, which I have learned about, which was made last year, during which he said something quite different. He said that the entire police were not under the Reich Protector, but came under the Chief of the Police in Berlin, that is to say, Himmler. I think that testimony can be found somewhere amongst your documents too.

Q Don't worry about it; I will come back to this testimony.

Tell me, please, who was the political director in your service?

A Political?

Q Yes, political reporter.

A Generally I had several of them.

Q In order not to waste time, I will show you a short document, and I ask you to read it.

On the 21st of July, 1939, the Director of the Security Police wrote a letter to your Secretary of State and to the SS and Police Fuehrer, Karl Hermann Frank. The letter had the following contents:

"In an order of May 5, 1939, the Reich Protector of Bohemia and Moravia named the SD fuehrer as his political director. I have ascertained that this order has not yet been published or carried out. Please darry out this order. "

Signed: "Dr. Best".

Do you remember your order now?

A I cannot remember that decree, but I can remember that this was never carried out, bedause I did not have this SD leader as my political expert.

THE PRESIDENT: This would be a convenient time for the Tribunal to break off.

MAJOR GENERAL RAGINSKY: Mr. President, just one more minute, please, to finish this question, and then we can break off.

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BY MAJOR GENERAL RAGINSKY:

Q But did you issue such an order on May 6?

A I cannot tell tou that today. It may be true. I do not want to deny it; I do not know anything about it.

Q But you did issue this order?

MAJOR GENERAL RAGINSKY: All right. I thank you, Mr. President. It is possibl to adjourn now. I shall require thirty minutes more.

(The tribunal adjourned until Wednesday 26. June, 1946, at 1000 Hours.)

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